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LAWS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION 1830 '31.

IN THE

FIFTY-FIFTH YEAR OF INDEPENDENCE.



PUBLISHED BY AUTHORITY.

HARRISBURG:

PRINTED BY HENRY WELSH.

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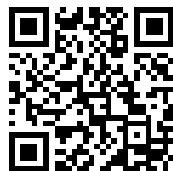


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L A W S

OF

PENNSYLVANIA.

No. 1.

AN ACT

To authorise the commissioners of Huntingdon county, to subscribe the sum of one thousand dollars in the stock of the Huntingdon, Cambria and Indiana turnpike road company, for the purpose of enabling the said company to build a bridge across the Frankstown branch of the Juniata river, near the town of Alexandria, in Huntingdon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of Huntingdon county, be and they are hereby authorised to subscribe on behalf of, and for the use of said county, one thousand dollars in the stock of the Huntingdon, Cambria and Indiana turnpike road company, for the purpose of enabling the said company to build a bridge across the Frankstown branch of the Juniata river, where the said turnpike road crosses the same, near the town of Alexandria, in Huntingdon county: *Provided,* That before the managers of the said turnpike road company shall be entitled to receive the said subscription of one thousand dollars, or proceed to build the said bridge as aforesaid, they shall first obtain from the managers of the Juniata bridge company, a full and clear release of all their right to build the said bridge under their charter and the acts of Assembly upon which it was granted: *And provided also,* That the said turnpike company shall be bound to erect the said bridge, within three years from the passage of this act.

\$1000 may be subscribed.

Proviso bridge company to relinquish right.

Completion within three years.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twenty-second day of December, A. D. one thousand eight hundred and thirty.

GEO. WOLF.

No. 2.

A SUPPLEMENT

To the act erecting the towns of Allegheny, Birmingham, Franklin and Northumberland, into boroughs.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the qualified electors of the borough of Allegheny, in the county of Allegheny, shall hold the election for borough officers on the third Tuesday of January, annually, and so much of any act as is hereby altered, is repealed.

Time of election in Allegheny changed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-second day of December, A. D. eighteen hundred and thirty.

GEO. WOLF.

No. 3.

AN ACT

To repeal the act entitled "An act directing repayment of loans from certain banks," so far as regards the Philadelphia bank, the Farmers' and Mechanics' bank of Philadelphia, and the bank of North America, and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the act passed the second day of April, eighteen hundred and thirty, entitled "An act directing repayment of loans from certain banks," as requires the repayment of the loans received from the Philadelphia bank, to the amount of ninety thousand dollars; the loan from the Farmers' and Mechanics' bank, to the amount of sixty-two thousand five hundred dollars; also, the loan from the bank of North America, to the amount of fifty thousand dollars, be and the same is hereby repealed, and the moneys appropriated for the payment of said banks, by the act of

\$202,500 appropriated to canal & railroad purposes

the second of April, one thousand eight hundred and thirty, be and the same are hereby appropriated to canal and rail-road purposes; and the Governor is hereby authorised to draw his warrant on the commissioners of the internal improvement fund in favor of the treasurer of the board of canal commissioners for the amount of said moneys, to be applied to canal and rail-road purposes.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The fourth day of January, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 4.

AN ACT

To authorise the transfer of the unappropriated balance remaining in the internal improvement fund from the loan under the act of the thirteenth March, eighteen hundred and thirty, to canal and rail-road purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor be and is hereby authorised to draw his warrant on the commissioners of the internal improvement fund, in favor of the treasurer of the board of canal commissioners, for the sum of fifty-three thousand four hundred and thirty-three dollars and fifty-four cents, being the residue remaining unappropriated of four millions of dollars, borrowed from the bank of Pennsylvania, by the act of the thirteenth of March, eighteen hundred and thirty, the amount thus transferred, to be applied to canal and rail-road purposes. \$53,433 54
appropriated.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The eighth day of January, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 5.

AN ACT

Providing for the preservation of certain documents filed in the commissioners office of Mercer county.

Commissioners to procure a book, &c.

SECT. 1. *Be it enacted by the Sena'e and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of Mercer county, be and they are hereby authorised and required to procure a suitable book, and transcribe or cause to be transcribed therein, all such documents and papers now on file, or that may hereafter be filed in the office of the commissioners of Mercer county, relative to real estate, that may be in a state of decay or liable to be lost or mislaid, and the said book or a transcript therefrom, certified by the aforesaid commissioners with their seal of office affixed thereto, and attested by their clerk, shall be received in evidence in the several courts of this commonwealth.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The eighth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF,

No. 6.

A FURTHER SUPPLEMENT

To the act entitled, An act enabling the Governor to incorporate a company for making an artificial road from the state line near the town of Emmetsburg, in the state of Maryland, through Waynesburg, Green Castle and Mercersburg, to intersect the Chambersburg and Bedford turnpike road, at or near the east end of M'Connellsburg, passed the twenty-ninth day of January, eighteen hundred and sixteen.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the twenty-first section of the above

recited act as relates to the completion of said road, be Time allowed
and the same is hereby extended, and the further time of for comple-
five years from the twenty-ninth day of January, eighteen tion extended,
hundred and thirty-one, shall be allowed to the said company
for finishing the same, according to the true intent and
meaning, but subject to the penalties and restrictions in all
other respects of the act, to which this is a supplement.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The eighth day of January, one thousand
eight hundred and thirty-one.

GEO. WOLF.

No. 7.

AN ACT

For the relief of Simon Krewson, a soldier of the revolution.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay to Simon Krewson, of Philadelphia \$40 gratuity and 40 annui.
county, a soldier of the revolutionary war, or to his order, ty granted.
forty dollars immediately, and an annuity of forty dollars,
payable half yearly during life, to commence on the first
of January, Anno Domini, one thousand eight hundred and
thirty one.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The eleventh day of January, A. D. one
thousand eight hundred and thirty-one.

GEO. WOLF.

No. 8.

AN ACT

For the relief of Andrew Shuster, a soldier, and Susanna Nolf, the widow of a soldier of the revolutionary war.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay Andrew Shuster, of the city of Philadelphia, or his order, forty dollars immediately, as a gratuity for his revolutionary services.

\$40 gratuity
to A. Shuster.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the annuity heretofore allowed by law to George Nolf, of Northampton county, deceased, a soldier of the revolutionary war, be and the same is hereby continued to Susanna Nolf, widow of the said deceased, during her natural life.

George Nolf's
annuity con-
tinued to his
widow.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The eleventh day of January, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 9.

AN ACT

For the relief of Jacob Schneider, a soldier of the revolutionary war.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required, to pay to Jacob Schneider, of Schuylkill county, a soldier of the revolution, or to his order, forty dollars immediately; and an annuity of forty dollars, payable half yearly during life, to commence on the first day of January, eighteen hundred and thirty-one.

\$40 gratuity
and 40 annui-
ty granted.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The eleventh day of January, A. D. one thousand eight hundred and thirty one.

GEO. WOLF.

No. 10.

AN ACT

Authorising a temporary loan for the payment of the contracts for the Pennsylvania canal and rail-road.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor be and he is hereby authorised to negotiate a temporary loan on the credit of this common-wealth, not to exceed two hundred and fifty thousand dollars, at an interest not exceeding five per centum per annum, with any bank or banks, corporation or individuals, as in his opinion may be most advantageous, and the sum or sums of money so borrowed, shall be paid and vested in the commissioners of the internal improvement fund, to be applied to canal and rail road purposes, and the money so borrowed, to be repaid to the lender or lenders within six months from the date of this act. \$250,000 for six months.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twelfth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 11.

AN ACT

To incorporate the town of Conemaugh, in Cambria county, into a borough:

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Conemaugh, in the county of Cambria, comprised in the following limits, viz: Beginning at the north corner of Franklin and Washington street; thence along the north side of Washington street, north sixty-two degrees, west seventy perches to the north corner of Walnut street; thence north seventy-nine degrees, west thirty-seven perches to Union street; thence north fifty degrees, west twenty-three perches to the north corner of Conemaugh Borough limits.

street; thence south twenty-eight degrees, west forty-eight perches to Stoney creek street; thence along the south side of Stoney creek street, south sixteen degrees, east seventy-eight perches to Chestnut street; thence south twenty-two degrees, east sixteen perches, south thirty eight degrees, east eleven perches; thence north seventy-two degrees, east twelve perches to Market street; thence north seventy-two degrees, east fifty-seven perches to the south corner of Franklin street; thence south sixty degrees, east sixty perches to the Bedford road; thence north sixty-seven degrees, east forty-five perches to the east side of Main street; thence north sixty-two degrees, west twenty-two perches to Feeder alley; thence north twenty-eight degrees, east forty-six perches to the north side of Basin street; thence north seventy-two degrees, west sixty-eight perches to Franklin street, the place of beginning shall be, and the same is hereby erected into a borough, which shall be called the borough of Conemaugh.

Name.

Election of
burgess,
council, &c.

SECT. 2 *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in said borough, six months previous to any election, to meet at the house of James Crow, on the first Saturday of March in each and every year thereafter, and then and there elect by ballot, between the hours of twelve at noon and six o'clock in the evening, one reputable citizen residing therein, who shall be styled the burgess of the said borough, and five reputable citizens residing therein to be a town council; and also, to elect as aforesaid a high constable, but previously to such election the inhabitants entitled to vote, shall elect three reputable citizens, one of whom shall preside as judge, one as inspector, and the other discharge the duty of a clerk, according to the general election law of this commonwealth, so far as relates to the receiving and counting the votes, and shall be subject to the same penalties for mal practices as by the said election laws are imposed; and the said judge, inspector and clerk before they enter on the duties of their respective offices, shall take an oath or affirmation before some judge or justice of the peace in the county of Cambria, to perform the same with fidelity, and shall hold said elections from time to time as occasion may require, and receive and count the ballots and declare the persons having the greatest number of votes to be duly elected; whereupon, duplicate certificates thereof shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to the prothonotary's office of said county, and the other filed among the records of the corporation for their safe keeping, and if two or any greater number of persons have an equal number of votes for any of the said offices, or if any election be disputed upon other principles, the said return shall be laid before the judges of the court of common pleas

of the said county, at the term next ensuing said election, who, upon examination into the same, shall determine which of the said persons shall fill the said office; and in case of vacancy by death, resignation, refusal to accept, or removal from said borough of any of the said officers, or if said election should not be held on the day appointed in this act, the burgess or in his absence or inability to act, the first named of the town council shall issue his precept directed to the high constable, requiring him to hold an election to supply such omissions or fill such vacancy, he giving at least two days notice by advertisements set up at four of the most public places in said borough.

SECT. 3. *And be it further enacted by the authority aforesaid,* Rights, privileges, &c. of corporation. That the burgess and town council, duly elected as aforesaid, and their successors forever, shall be one body politic and corporate in law, by the name of the burgess and town council of the borough of Conemaugh, and shall have perpetual succession, and said burgess and town council aforesaid and their successors forever, shall be capable in law to have, get, receive, hold and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments to them and their successors, in fee simple or otherwise, all goods, chattels and other things of what nature and kind soever, not exceeding the yearly value of three thousand dollars; and also to have, grant, sell, let and assign the same lands and tenements, hereditaments, rents, goods and chattels; and by the name aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts in this commonwealth in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time at their will to change and alter.

SECT. 4. *And be it further enacted by the authority aforesaid,* Penalty on refusal to serve the clerk of the election to give, within three days after the same, shall refuse or neglect to take upon himself the duties of the office to which he shall have been elected, every person so refusing or neglecting shall forfeit and pay ten dollars, which said sum and all fines and forfeitures incurred and made payable in pursuance of this act, or by the by-laws and ordinances of the burgess and town council, shall be for the use of the said corporation, to be recovered as debts of equal amount are or may be by law recoverable; but no person shall be compelled to serve more than one, in any term of five years. Appropriation of fines.

SECT. 5. *And be it further enacted by the authority aforesaid,* Oaths of office. That the burgess, town council and high constable, and each of them shall take an oath or affirmation before any judge or justice of the peace of the said county, to support the constitution of the United States and of this State, and

Power to administer oaths. well and truly to execute the duties of their respective offices in the borough of Conemaugh; and the certificate of such oath or affirmation shall be recorded in the books of the said corporation; and the said burgess shall have power and authority to administer oaths and affirmations when the same may be necessary on the investigation of any matters within the cognizance of said corporation.

By-laws and ordinances. SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the burgess and town council to meet as often as occasion may require, and enact such by-laws and make such rules, ordinances and

Assessment of taxes, &c. regulations, assess, apportion and appropriate such taxes as shall be determined by a majority of them necessary to promote the peace and good order, benefit or advantage of said borough; and also, to appoint a town clerk and such other officers as may be deemed necessary by the said burgess and town council, but no by-law, rule or ordinance enacted as aforesaid, shall be repugnant to the constitution and laws of the United States and of this State; and no person shall be punished for a breach of any by-law or ordinance enacted for the regulation of the said borough of Conemaugh, unless a true copy thereof be set up at three of the most public places in the said borough; and no by-law or ordinance shall be carried into operation in less than three weeks after such publication: *Provided nevertheless,* That no tax shall be laid in any one year on the valuation of taxable property, exceeding one cent in the dollar, unless some object of general utility should be thought necessary; in such case a majority of the taxable inhabitants of said borough, by writing under their hands, shall certify the same to the burgess and town council; who shall proceed to assess the same as aforesaid.

Proviso.

Limit of rate of tax.

Collection of taxes.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the burgess elected agreeably to this act, is hereby authorised and empowered to issue his precept, directed to the high constable, commanding him to collect all taxes assessed from time to time as aforesaid, and all fines and forfeitures that may become due by virtue of this act or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer to be appointed by the said burgess and town council, and to carry into effect whatsoever is enjoined on him for the well ordering and governing the said borough.

Burgess, council, clerk and high constable.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the burgess shall be and is hereby required, to cause the by-laws, rules, ordinances and regulations made as aforesaid, to be recorded in a book to be kept for that purpose, and he shall carry the same into full execution without delay, after the publication thereof, as directed by this act; and it shall be the duty of the town clerk to attend all meetings of the burgess and town council when assembled

on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal, records, papers and other documents relating to the said corporation; and in default he shall be answerable to any person concerned, for all damages, and may be removed from office by the burgess on complaint of a majority of the council; and the high constable shall perform all the duties on him enjoined by this act, and also by the by-laws and ordinances of the burgess and town council under the like penalties: *Provided* *Proviso.* *always,* That if any person or persons, shall think him, her or themselves aggrieved by any thing done in pursuance of this act, he, she or they may appeal to the next court of quarter sessions to be held for the proper county, on giving security according to law, to prosecute his, her or their appeal with effect, which court shall take such order therein as shall be just and reasonable, which order or judgment shall be conclusive against all parties.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable, town clerk and all officers appointed by the burgess and council, to render their accounts to the said burgess and council once in every year, which being settled and adjusted by the said burgess and council shall be published, shewing particularly the amount of taxes levied, fines collected, and of all receipts and expenditures which shall have been made. Annual settlement of accounts.

SECT. 10. *And be it further enacted by the authority aforesaid,* That in all meetings held under this law or the by-laws, enacted in pursuance of the same, it shall be the duty of the burgess to preside, or in his absence the member who may be then present of the town council first named in the return of the election; and it shall be the duty of the officers of the election to name in the return, the person who may be elected according to the number of votes which each may have, placing first in the return the name of the person who has the greatest number of votes, and so on; and if any of the persons elected, shall have an equal number of votes, then the officers of the election shall decide by lot which of them shall be first named. Presiding officer of council.

SECT. 11. *And be it further enacted by the authority aforesaid,* That in the absence from the borough or inability of the burgess, it shall be the duty of the first named of the town council who may be present, to perform the duties which are enjoined on the burgess by this act, or which may be enjoined by the by-laws which may be passed in pursuance of the same. Provision for absence, &c. of burgess.

SECT. 12. *And be it further enacted by the authority aforesaid,* That in any meeting of the burgess and town council, it shall require at least four to form a quorum to transact business. 4 a quorum.

SECT. 13. *And be it further enacted by the authority aforesaid,* That in the general or electoral elections, the citizens of said borough shall not be separated from the citizens of Conemaugh township, nor in any measures preparatory thereto, but shall remain connected with said township as they have been heretofore; and also, in the support of the poor in the said township or borough.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twelfth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 12.

A FURTHER SUPPLEMENT

To an act entitled, An act to reform the penal laws of this Commonwealth.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the respective boards of inspectors of the state penitentiaries for the eastern and western districts, shall be authorised to discharge from prison, without the delay and expense of any proceeding under the insolvent laws of this Commonwealth, every convict who may have served out the term of imprisonment at labour, to which such prisoner now has been or hereafter may be sentenced, notwithstanding such prisoner may not have paid the costs of prosecution or any fine to the Commonwealth or restored the property stolen, or paid the value thereof, if in the judgment of the said board of inspectors, such prisoner is unable to pay or restore the same: *Provided always,* That such discharge shall in no way interfere with the right of the commonwealth, or the public officers, or any person or persons interested in the payment or restitution aforesaid, to proceed under the judgment or judgments of conviction, to recover the amount from the property of such prisoner; and that for this purpose the Attorney General or his proper deputy, shall, if he deem it for the interest of the commonwealth, or at the request of any person interested, issue writs of fieri facias and venditioni exponas, and other writs of execution as the case may

Power given to inspectors of prisons to discharge convicts in certain cases where their term is out.

Proviso.

Not to interfere with lawful collection of fines, &c.

require, against such property, and all property, real or personal, of such prisoner, taken in execution by virtue of such writs, shall be sold as in other cases real or personal property is sold by virtue of similar writs; and such sales shall be as available and effectual in law as sales in other cases by virtue of similar writs: *And provided also*, That no such discharge shall be allowed or granted by the said board of inspectors, until such prisoner shall have exhibited to them on oath or affirmation, duplicate schedules of all his property, real, personal and mixed, to which he is in any manner entitled, as far as he can ascertain the same, one of which schedules or lists of property, it shall be the duty, of the said inspectors to file and preserve, with the papers of the prison, and the other immediately to transmit to the clerk of oyer and terminer, or the quarter sessions, or mayor's court, as the case may be, in which the said prisoner was tried, to be filed there also, with other papers relating to the case.

2d Proviso.
Convict to exhibit schedules of property.
To be filed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventeenth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 13.

AN ACT

To authorise the Governor to incorporate a company for making a turnpike road from the Lackawaxen turnpike, at or near the farm of Daniel Buntings, by the Glass Factory to the new road from Bethany to Honesdale, at or near the farm of widow Thomas, in Wayne county.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Isaac Dimmick, John Carr, Christian Faatz, Jacob Faatz, William Greele, David Arnold and Nathaniel A. Woodward, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they shall on or before the first

Commissioners named to open books, &c.

day of July next, procure two books and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Honesdale and Germanville turnpike road company, the sum of twenty five dollars for every share of stock in said company, set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth entitled 'An act to authorise the Governor to incorporate a company for making a turnpike road from the Lackawaxen turnpike, at or near the farm of Daniel Buntings, by the Glass Factory, to the new road from Bethany to Honesdale, at or near the farm of widow Thomas, in Wayne county.' Witness our hands the day of in the year of our Lord one thousand eight hundred and and thereupon shall give notice in two or more of the public papers printed nearest the route of the said road, for twenty days at least, of the time and places when and where the said book shall be opened to receive subscriptions for the stock of the said company; at which times and places one of the said commissioners shall attend, and permit and suffer all persons of lawful age who shall offer to subscribe in said books, in their own names or in the name or names of any other persons, who shall duly authorise the same, for any number of shares of said stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day for the space of six days, or until the said books shall have two hundred shares therein subscribed; and if at the expiration of the said six days, the books aforesaid shall not have the said number of two hundred shares therein subscribed, the commissioners respectively may adjourn from time to time, and transfer the said books from place to place until the whole number of shares shall be subscribed; of which adjournment and transfers the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to two hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

Form of subscription.

\$25 per share.

Who may subscribe.

Whole number, 200 shares.

Proviso.

\$1 to be paid on each share.

When 20 persons take 150 shares, charter may issue.

SECT. 2. And be it further enacted by the authority aforesaid, That when twenty persons or more, shall have subscribed one hundred and fifty shares of the said stock, the

said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the Governor of this commonwealth; whereupon, it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe, to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the "president and managers of the Honesdale and Germanville turnpike road company;" Title. and by the said name the said subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple or for any less estate, all such land, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do. Rights, privileges, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be, after the said letters patent shall be sealed and obtained, shall give public notice in two of the public papers printed nearest the route of the said road, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy duly authorised: one president, six managers, one treasurer and such other officers as may be necessary to conduct the business of said company for one year, and until such other officers be chosen; and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided always,* That no person shall have more than ten votes at any election or in determining any question arising at such meeting, whatever number of shares he may be entitled to; and that each person shall be to shares. Officers. Proviso. Ratio of votes

entitled to one vote for every share held by him under that number.

Location of road.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be lawful to and for the said president and managers, their superintendents, surveyors, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and examine the ground most proper for the purpose, as well as the materials in the vicinity that may be necessary in making and constructing the said turnpike road, and to survey, lay down, ascertain, mark and fix such route or track for the said road, as in the best of their skill and judgment will combine shortness of distance with the most practicable ground; and generally they shall have like powers, authorities and privileges, necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like toll and profits in proportion to the distance as are given and granted to the president and managers and company of the Coshecton and Great Bend turnpike road, in and by an act of assembly of this commonwealth, passed the twenty-ninth day of March, Anno Domini, eighteen hundred and four.

Same toll, &c. as Coshecton and Great Bend company.

Dimensions, materials, &c. of road.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president and managers of the said road shall make or cause the same to be made, not less than forty nor more than fifty feet in width, and at least twenty feet thereof shall be made an artificial road in the following manner, to wit: all the timber shall be taken out by the roots and removed from the road, which shall, when the original location is level or nearly so, be at least two feet higher in the centre than at the sides; it shall be well and sufficiently ditched, so as to carry off the water and to keep the road in its foundation firm and dry; it shall be constructed of firm and substantial materials, composed of wood, gravel, stone, slate, sand or other hard substance, such as the nature of the ground along which the road may pass will admit of, so as to secure a solid foundation, a smooth and firm surface, and a well made permanent highway, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line; and the said president and managers shall erect permanent bridges, with sufficient stone abutments and piers, over all the streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair.

Bridges, &c.

Time of commencement and completion.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within two years after passing this act, or

shall not within four years thereafter, complete the same according to the true intent and meaning of this act, then or in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted, shall revert to the commonwealth.

FREDK. SMITH,
Speaker of the House of Representatives.
WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The seventeenth day of January, A. D. one thousand eight hundred and thirty one.

GEO. WOLF.

. No. 14.

AN ACT

Authorizing the construction of a bridge across the West Branch of the Susquehanna river, at the town of Clearfield.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Ross, senior, J. F. W. Schnars, John Kyler, James Read and Samuel Fulton, of Clearfield county, be and are hereby appointed commissioners to examine and fix on the site for the erection of a bridge over the West Branch of the river Susquehanna, at or near where Market street, in Clearfield town, crosses the said river; whose duty it shall be, after being duly sworn or affirmed, before some justice of the peace or judge of the court of common pleas, faithfully to perform the duties hereby enjoined, viz: to meet at the point designated, on the first Monday of May next, or as soon thereafter as possible, to examine and establish the site for said bridge, according to the true intent and meaning of this act; and to make out a draft or plot of said site, on or before the eighteenth day of June next, a copy of which shall be filed in the prothonotary's office of Clearfield county; for which they shall be allowed the sum of one dollar for each and every day they shall be necessarily employed; which sum shall be paid by their order, drawn on the president and managers of said company: and further, that Joseph Boone, senior, Josiah W. Smith, Joseph M. Martin, Libeon Luther and Job England, of Clearfield county, be and they are hereby appointed commissioners, to perform the several duties hereinafter mentioned; that is to say, they shall, on or before the first day of June next, procure a book, and enter

Commissioners appointed to locate.

Meeting.

To file a draft. Compensation.

Commissioners appointed to open books, &c.

Form of sub-
scription.

therein as follows: "We, whose names are hereunto subscribed do promise to pay unto the president, managers and company for erecting a bridge over the West Branch of the Susquehanna, at Clearfield town, at or near where Market street crosses the same, the sum of ten dollars for every share of stock set to our names, respectively, in such proportions and at such times as shall be determined by the president and managers, in pursuance of an act of the general assembly, entitled "An act authorizing the construction of a bridge across the West Branch of the Susquehanna river, at the town of Clearfield." Witness our hands and seals the day of _____ in the year of our Lord one thousand eight hundred and thirty-one;" and shall thereupon give notice for three weeks, by three advertisements, when and where the said books shall be opened to receive subscriptions for stock of said company; at which respective time and place or places one of the said commissioners shall attend, and permit all solvent persons of lawful age to subscribe in said book, until the number of three hundred shares shall have been subscribed.

300 shares.

When 15 persons take 200 shares charter to issue.

SECT. 2 *And be it further enacted by the authority aforesaid,* That when fifteen or more persons shall have subscribed two hundred or more shares in the said work, the commissioners, or a majority of them, shall certify, under their hands and seals, the names of the subscribers, and the number of shares by them subscribed, to the Governor; and thereupon it shall be lawful for the Governor, by letters patent under his hand and seal of the state, to erect and create the subscribers into one body politic and corporate, in deed and law by the name, style and title of the "president, managers and company of the Susquehanna bridge, at Clearfield town;" and by the same name the subscribers shall have perpetual succession, and all the privileges incident to a corporation; and of enlarging their stock by new subscriptions, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them or their successors and assigns, in fee simple or for any less estate, real and personal estate, as shall be found necessary and convenient to them in the prosecution of their work, and the same to sell again and dispose of at their pleasure.

Title.

Privileges of
corporation.

Organization.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the persons named in the letters patent, as soon as conveniently may be, shall give not less than ten days notice, by three advertisements and in one public newspaper printed in Clearfield town, of the time and place by them appointed; at which time and place the said subscribers shall proceed to organize the said corporation; and shall choose by a majority of votes of said subscribers, by ballot, to be delivered in person or by proxy duly authorised, five

managers and one treasurer, for the term of one year from the date of the aforesaid election; and yearly and every year thereafter the said subscribers shall proceed to ballot as aforesaid for five managers and one treasurer; that the said managers shall meet within twenty days from the date of their election, and select one of their number as president for the current year: *Provided*, That each and every stockholder shall be entitled to one vote for each and every share he, she or they may hold, if the number shall not exceed three; and one vote for every three shares above the first three and under twelve; and one vote for every ten shares over twelve: *Provided*, That no stockholder shall be entitled to more than ten votes.

Election of officers.

Proviso.

Proportion of votes to shares

SECT. 4. *And be it further enacted by the authority aforesaid*, That the said president and managers may make such by-laws, orders, rules and regulations, not inconsistent with the laws of this state or of the United States, as shall be necessary for the well ordering of the affairs of the corporation; and generally to have all powers, authorities and privileges, necessary for completing, maintaining and keeping in repair the said bridge, and of charging and collecting toll on the same; that the said company may erect and build two or more piers in the said river, should the same be deemed necessary: *Provided*, That the erection of the said bridge or piers shall not obstruct the navigation of the said river, so as to endanger the passage of rafts, arks, or other water craft.

Powers of president and managers.

Proviso.

Not to obstruct navigation.

SECT. 5. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said president and managers, to demand and receive from travellers and others a certain toll, not exceeding the following rates: for every coach, landau, chariot, phaeton or other pleasurable carriage, six and a quarter cents for each horse drawing the same; for every loaded wagon or cart, four cents for each horse drawing the same; for every sleigh or sled, four cents for each horse drawing the same; and for every empty wagon or cart, four cents for each horse drawing the same; for a single horse and rider, three cents; for every horse, two cents; for every foot passenger, one cent; for every head of horned cattle, two cents; for every sheep or swine, at the rate of eight cents for every score; and all carriages which may be drawn partly by horses and partly by oxen only, two oxen to be estimated equal to one horse: *Provided*, however, That the said president and managers, or a majority of them, may at any time, by resolution, reduce the above mentioned rates of toll.

Rates of toll.

Proviso.

May be reduced.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the commissioners appointed to receive subscriptions, the president and managers shall not receive any compensation for their services.

Commissioners, president and managers to receive no pay.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the commissioners of the county of Centre, be and they are hereby authorised to subscribe, on behalf and for the use of said county, any sum not exceeding two thousand dollars, in the stock of said company.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventeenth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 15.

AN ACT

Authorising Jacob Nittz, senior, of Westmoreland county, to sell and convey certain real estate.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jacob Nittz, senior, of Westmoreland county, be, and he is hereby authorised, to sell and dispose of all the right, title, interest and claim of his children, Christina Nittz and Jacob Nittz, of, in and to the undivided two-third parts of the one eighth of a tract of land, (of which their grandfather, Henry Tosh, died seized,) situate in Ligonier township, Westmoreland county, adjoining James M'Curdy, Jacob Tosh, Joseph Clifford, Robert M'Dowell and Robert Reed, containing three hundred acres, or thereabouts; and to execute a title to the purchaser therefor, as fully and effectually as if the said children, Christina Nittz and Jacob Nittz, were of full age, and had duly executed a deed or deeds of conveyance for the same: *Provided,* That before such sale is made the said Jacob Nittz, senior, shall enter into bond or recognizance, with such surety as shall be approved of by the orphans' court of Westmoreland county, for the faithful execution of the power hereby granted and the proper application of the proceeds of the sale.

300 acres.

Proviso.

Security.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventeenth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 16.

AN ACT

Declaring a certain part of the West Branch of the river Susquehanna, a public highway.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the West Branch of the river Susquehanna, from the Cherry tree or Canoe Place, up to John Douglass' saw mill, be and the same is hereby declared a public highway; and it shall and may be lawful for any person or persons, desirous of improving or using the navigation of said stream, to remove thereout all obstructions, except mill dams already built; on which dams such person or persons as aforesaid, shall have full power to make slopes, such as hereinafter described, and to keep the same in repair for the passage of boats, rafts and other crafts: *Provided,* That such slopes be so constructed as not to injure such dams.

From Cherry tree to Douglass' saw-mill.
Right to make slopes to dams
Proviso. Not to injure dams.

SECT. 2. *And be it further enacted by the authority aforesaid,* That nothing in this act contained shall be deemed, taken or understood to prevent any person or persons, owning or possessing lands on or adjoining said river, who, independent of the passage of this act, would have a right under the general laws of this commonwealth to erect a dam or dams across the said stream, from erecting such dam or dams: *Provided nevertheless,* That every such dam or dams be so constructed, with proper slope or slopes erected in the most convenient part thereof, so that rafts and boats may not be obstructed in passing down said river; which slope shall be at least thirty feet wide, and to be one foot lower than the other part of the dam; the surface of which slope or slopes shall be made of wood, or other suitable materials, well compact together, so that none of the water may be lost in passing down the same; and for every foot said slope or slopes shall be in height, it shall extend fifteen feet down the stream.

Right to erect dams.
Proviso.
Dimensions, &c. of slopes.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventeenth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 17.

AN ACT

To repeal the first section of an act, entitled "An act to prevent the fishing with seines in certain streams of water, and to increase the penalty for fishing in the river Susquehanna on days prohibited by law, and for other purposes."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the* **same,** That so much of an act, entitled "An act to prevent fishing with seines in certain streams of water, and to increase the penalty for fishing in the river Susquehanna on days prohibited by law, and for other purposes," passed the twenty-seventh day of March, eighteen hundred and nineteen, as relates to Penns creek, in the county of Centre, be and the same is hereby repealed.

Repeal as far
as relates to
Penns creek.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventeenth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 18.

AN ACT

For the relief of sundry soldiers, and Susanna Morgan, the widow of a soldier of the revolutionary war.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the* **same,** That the State Treasurer be and he is hereby authorised and required to pay to John Carmondy, of Columbiana county, in the state of Ohio, a revolutionary soldier, or to his order, forty dollars immediately, and an annuity of forty dollars, payable half yearly, during life, to commence on the first day of January, eighteen hundred and thirty-one.

\$40 gratuity
and annuity
granted to J.
Carmondy.

\$40 gratuity
to H. Fell.

SECT. 2. *And be it further enacted by the authority afore-* **said,** That the State Treasurer be and he is hereby authorised and required to pay to Henry Fell, of Northampton county, a soldier of the revolution, or to his order, forty

dollars immediately, as a gratuity and compensation in full for his revolutionary services.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Frederick Bodine, of Niagara county, in the state of New York, or to his order, forty dollars immediately, as a gratuity and as full compensation for his revolutionary services. Same to F. Bodine.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Jacob Johnson, of Montgomery county, or to his order, forty dollars immediately, as a gratuity and as full compensation for his revolutionary services. Same to J. Johnson.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Susanna Morgan, of Northampton county, widow of a revolutionary soldier, or to her order, forty dollars immediately, and an annuity of forty dollars, during life, payable half yearly, to commence on the first day of January, Anno Domini, one thousand eight hundred and thirty-one. \$40 gratuity and annuity to S. Morgan.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The seventeenth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 19.

AN ACT

Authorising John Baughman and Jacob Fisher, as trustees, to carry into effect the last will and testament of Peter Baughman, of North Huntingdon township, in the county of Westmoreland, so far as relates to building a school house, and receiving certain bequests in said will for that purpose.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Baughman and Jacob Fisher, of the said township, be and they are hereby empowered, as trustees, to carry into effect that part of the said Peter Baughman's will which relates to the building a school house on the premises of said deceased, and to receive all bequests for the purpose aforesaid. Baughman and Fisher as pointed trustees.

Annual meeting of subscribers and election of trustees.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said trustees shall call together, at some convenient place in the neighbourhood, the subscribers to said school, on the first Saturday of November next, and on said day annually thereafter, by at least ten days notice, who then and there shall elect two persons as trustees for the purposes aforesaid.

Annual statement to successors.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said trustees, so appointed and elected, shall produce to their successors in office, within ten days after the election, annually, a fair and full statement of all moneys by them received and expended, and also deliver over to their successors, so elected, all moneys, books and papers belonging to the same; and further, shall have power to sue and be sued.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The nineteenth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 20.

A SUPPLEMENT

To an act, entitled "An act erecting the village of Fallston, in the county of Beaver, into a borough."

Borough separated from Brighton township.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the borough of Fallston, in the county of Beaver, shall hereafter be separate, and no longer compose a part of the township of Brighton, in said county; and that the qualified voters of the said borough shall, at the same time as assessors and assistant assessors are elected in said county, elect one assessor and two assistant assessors of the county rates, two persons as supervisors of the public roads and highways, and two persons as overseers of the poor of the the said borough, who shall be vested with the same power, authority and privileges, and be subject to the same duties as assessors of the county rates, supervisors and overseers of other townships, and be liable in like manner for neglect of duty; and that the said supervisors and overseers shall, annually, in the month of April, render their accounts to the town council of said borough for settlement.

Annual settlement of accounts.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in case of death, resignation or removal, refusal to accept, or neglect, or refusal to act after acceptance, or in case of absence or non election of a borough constable, it shall be the duty of the supervisor, if but one, or the supervisors of said borough, to give notice of the borough election, in the same manner and at the same time, and perform the same duties under a like penalty as is prescribed and directed by the act to which this is a supplement.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The nineteenth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 21.

AN ACT

To confer on Elizabeth Strauch, the rights and benefits of a child born in lawful wedlock.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Elizabeth Strauch, a daughter of Daniel Strauch and Susanna Strauch, (late Susanna Reed,) of Schuylkill county, and born some time before the marriage of the said Daniel and Susanna Strauch, shall have and enjoy all the rights, benefits and advantages of a child born in lawful wedlock; and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely to all intents and purposes, as if she had been born subsequently to the intermarriage of her aforesaid parents: *Provided,* That nothing in this act shall be construed to interfere with the rights or interest which this commonwealth may have, under a law, entitled "An act relative to collateral inheritances."

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-first day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 22.

A FURTHER SUPPLEMENT

To the act, entitled "An act to incorporate the Mine Hill and Schuylkill Haven rail-road company," passed the twenty-fourth day of March, Anno Domini, eighteen hundred and twenty-eight.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Mine Hill and Schuylkill Haven rail-road company, be and they are hereby authorised to increase the number of shares of the capital stock of said company, at a meeting of the stockholders of the said company, so that the capital of said company shall not exceed two hundred thousand dollars, and to receive and demand the moneys for shares so subscribed, in like manner and under the like penalties as are provided for the original subscription in the act to which this is a further supplement, as shall be provided for by the by-laws of said company.

May increase
stock to
\$200,000.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the number of managers of the said company shall, after the first Monday of May next, be fourteen; and the said stockholders shall meet on the second Monday of May next, at a place to be designated by the board of managers; of which notice shall be given in one or more daily newspapers published in the city of Philadelphia, for ten days, at least; when and where the said stockholders shall elect four additional managers, who shall serve until the next annual election, or until others shall be legally elected.

Number of
managers in-
creased.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said company may charge and receive tolls in addition to the tolls allowed by the act to which this is an additional supplement, as follows, to wit: for every horse not employed in drawing a car on which toll is chargeable, one half cent per mile; for every horse and its rider, one cent per mile; for every person drawn in a car or carriage other than the person employed to drive the same, one half cent per mile.

Additional
tolls allowed.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the president, directors and company of the said rail-road company, shall have power and authority to survey, lay down, ascertain, mark and fix such other routes in extension of the two branches of the rail road authorised by the act to which this is a supplement, or such lateral rail-roads thereto as the said president and company shall deem fit and expedient, according to the provisions and directions, and subject to the restrictions of the acts to which this is a sup-

Authority gi-
ven to make
extensions.

plement: *Provided*, That the said two branches so aforesaid, *Provide* to be extended or the lateral roads to be made thereto, or to the rail-road now in progress, shall not in any case of such extension or addition exceed five miles each in length, and Not to exceed when so made to demand and receive therefrom the tolls 5 miles each, authorised by the acts to which this is a supplement.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-first day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF;

No. 23.

AN ACT

Supplementary to an act passed the eleventh day of April, one thousand eight hundred and twenty-five, and a supplement to said act, passed the twenty-ninth day of March, one thousand eight hundred and twenty-seven, authorising the executor of the last will and testament of James Anderson, deceased, to sell real estate:

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Mary Anderson, executrix of the last will and testament of James Anderson, late of the borough and county of York, be authorised to complete any sales of the real property left by said testator which were commenced by William Barber (now deceased.) and said Mary Anderson, by virtue of an act passed the eleventh day of April, one thousand eight hundred and twenty-five, and a supplement to said act, passed the twenty-ninth day of March, one thousand eight hundred and twenty-seven, authorising the said William Barber and Mary Anderson to sell the real estate which was left by said testator for the payment of debts; and the said Mary Anderson is hereby authorised to make good and sufficient deeds for said property, the sale of which has been commenced and not yet perfected; and also to sell what yet remains unsold, or so much thereof as may be necessary for the payment of debts, as effectually to all intents and purposes as she, with William Barber, could have sold the same, by virtue of the acts herein referred to, son invested with authority heretofore granted to her in conjunction with Wm. Barber.

Proviso.
Security to be
given.

previous to the decease of the said William Barber: *Provided*, That the said Mary Anderson gives the security required in and by the aforesaid act of the eleventh of April, one thousand eight hundred and twenty-five.

FREDK. SMITH;

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-first day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF,

No. 24.

AN ACT

To incorporate a company to make a turnpike road from the Abington and Waterford turnpike, at or near the bridge of Tunkhannock creek, to Carbondale.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George W. Healey, Nathan Bacon and Elezer Townson, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they, or one of them, shall, on or before the first day of July next, procure a book and enter as follows: “We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Tunkhannock bridge and Carbondale turnpike road company, the sum of twenty-five dollars for every share of stock in said company, set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled ‘An act to incorporate a company to make a turnpike road from the Abington and Waterford turnpike, at or near the bridge of Tunkhannock creek, to Carbondale, in Luzerne county.’ Witness our hands, the day of in the year of our Lord one thousand eight hundred and ;” and thereupon shall give notice in two or more of the public papers printed nearest the route of the said road, for twenty days at least, of the time and places when and where the said book shall be opened to receive subscriptions for the stock of the said company; at which

Commission-
ers appointed
to open books.

Form of sub-
scription.

\$25 per share.

times and places one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said book, in their own names or in the name or names of any other persons, who shall duly authorise the same, for any number of shares of said stock; and the said book shall be kept open, respectively, for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until the said book shall have three hundred shares therein subscribed; and if at the expiration of the said six days, the book aforesaid shall not have the said number of three hundred shares therein subscribed, 300 shares the commissioner may adjourn from time to time, and transfer the said book from place to place until the whole number of shares shall be subscribed; of which adjournment and transfers the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to three hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

Proviso.

\$1 on each share to be paid at time of subscription.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when twenty persons or more, shall have subscribed two hundred shares of the said stock, the said commissioner may, or when the whole number of shares aforesaid shall be subscribed, he shall certify under his hand and seal the names of the subscribers, and the number of shares subscribed by each, to the Governor of this commonwealth, and that the sum of one dollar has been paid upon each share subscribed; whereupon, it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe, to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the "president and managers of the Tunk-hannock bridge and Carbondale turnpike road company:" And by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such (manner) and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and

When 20 persons take 200 shares, charter may issue.

Title.

Rights, privileges, &c.

holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple or for any less estate, all such land, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Election of officers, &c.

Proviso.

1 vote each share up to 10.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be, after the said letters patent shall be sealed and obtained, shall give public notice in two of the public papers printed nearest the route of the said road, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy duly authorised, one president, six managers, one treasurer and such other officers as may be necessary to conduct the business of said company for one year, and until such other officers be chosen; and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided always,* That no person shall have more than ten votes at any election or in determining any question arising at such meeting, whatever number of shares he may be entitled to; and that each person shall be entitled to one vote for every share by him held under that number.

Right to enter enclosures, &c. to locate and for materials.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be lawful to and for the said president and managers, their superintendents, surveyors, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and examine the ground most proper for the purpose, as well as the materials in the vicinity that may be necessary in making and constructing the said turnpike road, and to survey, lay down, ascertain, mark and fix such route or track for the said road, as in the best of their skill and judgment will combine shortness of distance with the most practicable ground; and generally they shall have like powers, authorities and privileges, necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like toll and profits in proportion to the distance as are given and granted to the president and managers and company of the Coshecton and Great Bend turnpike road, in and by an act of assembly of this common-

Same toll, &c. as Coshecton and Great Bend company.

wealth, passed the twenty-ninth day of March, Anno Domini, eighteen hundred and four.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president and managers of the said road shall make or cause the same to be made, not less than forty nor more than fifty feet in width, and at least eighteen feet there- of shall be made an artificial road in the following manner, to wit: all the timber shall be taken out by the roots and removed from the road, which shall be well and sufficiently ditched, so as to carry off the water and to keep the road in its foundation firm and dry; it shall be constructed of firm and substantial materials, composed of wood, gravel, stone, slate, sand or other hard substance, such as the nature of the ground along which the road may pass will admit of, so as to secure a solid foundation, a smooth and firm surface, and a well made permanent highway, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line; and the said president and managers shall erect bridges, with sufficient abutments and piers, over all the streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within two years after passing this act, or shall not within five years thereafter complete the same, according to the true intent and meaning of this act, then, or in either of those cases, all and singular the rights, liberties, privileges and franchises, hereby granted, shall revert to the commonwealth.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 25.

AN ACT

To revive and continue in force the several acts of assembly incorporating the town of Birmingham, in the county of Huntingdon.

WHEREAS, by the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twen-

ty-first, twenty-second and twenty-third sections of an act of assembly, passed the fourteenth day of April, Anno Domini, one thousand eight hundred and twenty-eight, entitled "An act erecting the towns of Allegheny, Birmingham, Franklin and Northumberland into boroughs, and to give effect to the act incorporating the borough of Elizabethtown, in the county of Lancaster," the town of Birmingham, in Huntingdon county, was erected into a borough, under the name, style and title of the "borough of Birmingham:"

Preamble.

And whereas, The thirteenth section of the act aforesaid was altered and amended by the first section of an act, passed the twenty-third day of April, Anno Domini, eighteen hundred and twenty-nine, entitled "An act supplementary to an act incorporating the town or Birmingham, in the county of Huntingdon, into a borough, and to incorporate the Lancaster water company, and for other purposes," so far as respected the appointment of borough constable, and defining his duties: *And whereas*, The inhabitants of said borough have represented to the legislature, that "they conceive their act of incorporation, with the supplement thereto, null and void, owing to the neglect of the proper officer of said borough, on the second Tuesday of April last, not holding an election for borough officers," agreeably to the provisions of the same, and praying that the said act and supplement thereto be revived and continued in force, and that the inhabitants of said borough may be allowed to hold their borough elections on the second Tuesday of March, instead of the second Tuesday of April, as provided in the said recited act:

Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second and twenty-third sections of the act, passed the fourteenth day of April, Anno Domini, one thousand eight hundred and twenty eight, entitled "An act erecting the towns of Allegheny, Birmingham, Franklin and Northumberland into boroughs, and to give effect to the act incorporating the borough of Elizabethtown, in the county of Lancaster," and the first section of the act, entitled "An act supplementary to an act incorporating the town of Birmingham, in the county of Huntingdon, into a borough, and to incorporate the Lancaster water company, and for other purposes," be and they are hereby revived and continued as the same were in force on the second day of April last, past,

Certain sections of former acts revived.

Time of election changed,

except that it shall be lawful for the inhabitants of said borough, qualified to vote, to hold their election for borough

officers on the second Tuesday in March, ins lead
second Tuesday in April, in each year.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twenty-fifth day of January, A. D. one
thousand eight hundred and thirty-one.

GEO. WOLF.

No. 26.

AN ACT

Reviving an act incorporating the borough of Waynesburg, and changing
the name thereof to Waynesboro'.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled "An act to repeal an act incorporating the borough of Waynesburg, in the county of Franklin, and for other purposes," passed the thirtieth day of March, one thousand eight hundred and twenty-four, be and the same is hereby repealed; and the act, entitled "An act to incorporate the town of Waynesburg, in the county of Franklin, into a borough, and for other purposes," passed the twenty-first day of December, one thousand eight hundred and eighteen, be and the same is hereby revived and re-enacted, in all its parts, except so far as regards the limits contained and described in the first section, which shall be as follows: Beginning at a stone standing on the lands of John Flanagan, and running with the same and others north sixty-one and one fourth degrees, west two hundred and four perches to a stone, standing on the lands of Henry Funk; thence with the same, John Hess, and others, south twenty-eight and three fourth degrees, west one hundred and seventy-eight perches, to a stone, standing on a line between Andrew Baker and John Gilbert; thence with the same, Thomas Walker, and others, south sixty-one and a fourth degrees, east two hundred and four perches, to a post, standing on the lands of John Clayton; thence with the same, and others, north twenty-eight and three fourth degrees, east one hundred and seventy-eight perches, to the place of beginning.

Former acts
revived.

Except boro'
limits, which
are given.

SECT. 2. *And be it further enacted by the authority aforesaid,*
 Time of hold- That the first election, after the passage of this act, shall be
 ing first elec- held on the first Monday in March next, in the manner
 tion. prescribed by the said original act of incorporation, and the
 elections thereafter shall be held at the time, and conducted
 in the manner, presented in the said original act.

SECT. 3. *And be it further enacted by the authority aforesaid,*
 Name chang- That the same borough shall hereafter be called Waynes-
 ed. boro'.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of January, A. D. one
 thousand eight hundred and thirty-one.

GEO. WOLF.

No. 27.

AN ACT

Altering the time of holding township elections, in the township of Har-
 mony, Susquehanna county.

SECT. 1. *Be it enacted by the Senate and House of Repre-
 sentatives of the Commonwealth of Pennsylvania in General
 Assembly met, and it is hereby enacted by the authority of the
 same,* That from and after the passage of this act, the town-
 ship elections, (heretofore holden in March) for the township
 of Harmony, in Susquehanna county, shall be holden on the
 third Friday of February, annually; subject, nevertheless,
 to all the regulations and restrictions of the act of 6th April,
 1802: And that so much of any act of Assembly, as is
 hereby altered or supplied, be and the same is hereby re-
 pealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of January, A. D. one
 thousand eight hundred and thirty-one.

GEO. WOLF.

No. 28.

A SUPPLEMENT

To an act, entitled "An act to erect the town of Mechanicsburg, in the county of Cumberland, into a borough."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the electors of the borough of Mechanicsburg, Electors to choose three assessors. in the county of Cumberland, shall elect one assessor and two assistant assessors of the county rates of the said borough, at such time, under like regulations, and for the same purposes, as are or shall be hereafter directed by law, in the several townships within this commonwealth.

SECT. 2 *And be it further enacted by the authority aforesaid,* That the electors of the said borough shall hereafter, annually, elect five persons for a town council; and the president And town council. of the town council and the burgess shall constitute a court of appeal; and prior to the collection of any borough tax, Court of appeal from borough tax. the collector shall inform each inhabitant of the amount of his tax, and the time and place of appeals: *Provided nevertheless,* That the said court of appeal shall have no other Proviso. Restrictions of court. power, as such, than to determine the justness of the apportionment of said taxes, and to remedy any grievance that may occur in imposing the same.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 29.

A FURTHER SUPPLEMENT

To the act, entitled "An act authorising the Governor to incorporate the Susquehanna and Delaware canal and rail-road company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Henry, Alexander E. Brown, Stogdell Additional commissioners appointed. Stokes and Jacob B. Stroud, of the county of Northampton, be and are appointed additional commissioners, under the provisions of the act to which this is a supplement; and that

Extension &
termination
of canal or
rail-road.

it shall and may be lawful for the Susquehanna and Delaware canal and rail-road company, in constructing the canal or rail-road, authorised by the act to which this is supplementary, to terminate the said canal or rail-road at, or near the Water Gap of the Delaware; or, at their option, (in case the state canal shall not be extended further) to extend the same to any other point, not below the mouth of the river Lehigh, in lieu of the termination mentioned in the said act.

Company
may use in-
clined planes,
&c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of the said act as provides that the said rail-road shall in no part of it rise above an angle of two degrees with the plane of the horizon, be and the same is hereby repealed; and that the said company be and they are hereby authorised to construct and use inclined planes, and any other devices and engines, that may be deemed necessary to overcome elevations and depressions upon the route of the said canal or rail-road.

Time of com-
mencement
and comple-
tion.

SECT. 3. *And be it further enacted by the authority aforesaid,* That unless the said company shall commence the said works within three years after the passage of this act, and complete the same within ten years, the privileges granted by the original act, and the supplement thereto, and by this supplementary act, shall cease and determine; and that so much of the original act, and the supplement thereto, as is hereby altered or supplied, be and the same is hereby repealed: *Provided,* That nothing contained in the act to which this is a supplement, or in this act, shall authorise the said company to interfere with the location or construction of the North Branch canal.

Proviso.
Not to inter-
fere with
North Branch
canal.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 30.

AN ACT

Extending the provisions of the lien laws to the plumbers of the city and county of Philadelphia.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the several provisions of the act of the seventeenth of March, one

thousand eight hundred and six, entitled "An act securing to mechanics and others, payment for their labor and materials, in erecting any house, or other building, within the city and county of Philadelphia," and the supplements thereto, be and they are hereby extended to plumbers, for all work by them done, or materials by them found, and provided for, or in the erecting and constructing of all and every dwelling house or other building, and the hydrants and pipes appurtenant thereto, hereafter constructed and erected within the city and county of Philadelphia.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 31.

AN ACT

Authorising Aaron Gregg, under the direction of the court of common pleas of the county of Greene, to execute a deed to Thomas Fletcher, for a lot of land, in said county.

WHEREAS, it is represented that Richard Gregg, late of the county of Greene, in this commonwealth, now deceased, in his lifetime sold a certain lot of land, of forty perches, in Carmichaeltown, in the said county, to Stephen Brock, for a price which was paid and satisfied, but for which lot of land no deed of conveyance was executed by the said Richard Gregg; that all the right of the said Stephen Brock has been transferred, and is now held by Thomas Fletcher, of the same county; that the said Richard Gregg having made a will and appointed executors to the same, they did, after his decease, prove the same and took upon themselves the execution thereof; that since which time two of them are also deceased, and the only survivor, if he be living, has removed out of the state, so that there is no person to execute a deed, according to the terms of the contract, and asking that Aaron Gregg, one of the sons and legatees of the said Richard Gregg, may be authorised to convey the said lot of land: Therefore,

Preamble.

Aaron Gregg
under direc-
tion of court
authorised to
make a cer-
tain deed.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the court of common pleas, of the county of Greene, to take cognizance of the said case; to hear the petition of the said Thomas Fletcher, stating the terms of the said contract; to receive the proof, and to proceed in all respects according to the act of assembly, of the thirty first day of March, in the year one thousand seven hundred and ninety-two, entitled "An act to enable executors and administrators, by leave of court, to convey lands and tenements contracted for, with their decedents, and for other purposes therein mentioned," and the supplements thereto, and upon due and satisfactory proof being made, to authorise the said Aaron Gregg, as fully as if he were an executor of the will of the said Richard Gregg, deceased, to execute and deliver a deed of conveyance to the said Thomas Fletcher, for the premises aforesaid.

Court invest-
ed with simi-
lar power in
other cases.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the court of common pleas, of the county aforesaid, to hear the petition or petitions of any other person or persons, who may have purchased lots as aforesaid, from the said Richard Gregg, and on satisfactory proof being made of the execution of the contract and payment of the purchase money, in pursuance of such contract, it shall and may be lawful for the said court to direct the said Aaron Gregg to make a deed of conveyance, in the same manner and with the same effect, as if such order had been made upon the executors of said deceased.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 32.

AN ACT

To erect the village of Honesdale, in the county of Wayne, into a borough.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the village of Honesdale, in the county of Wayne, shall be and the same is hereby erected into a bo-

rough, which shall be called the borough of Honesdale, and Name. shall be bounded and limited as fellows, to wit: Beginning Bounds. at the most southern corner of the first lock upon the Delaware and Hudson canal, below the basin at the head of the canal; thence by a course south sixty-seven degrees, west twenty-four rods to the western line of the Indian Orchard Tract; thence by the said line and an extension thereof, north twenty-three degrees, west three hundred and forty-six rods to the line of the farm late Levi Schoonhovers; thence by the last named line, north sixty-seven degrees, east one hundred and five rods to Dyberry creek; and thence southward by Dyberry creek, to its junction with the West Branch of Lackawaxen, and by the Lackawaxen river to the place of beginning.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough, entitled to vote for Arrangement members of the general assembly, having resided within the said borough at least six months immediately preceding the election, and within that time paid a borough tax, (if such tax shall have been assessed) shall have power, on the second Friday of May next, to meet at the house of Charles Forbes, innkeeper, in the said borough, and annually thereafter, at such convenient place in the said borough as shall have been fixed upon by the by-laws of the corporation for that purpose; and then and there, between the hours of one and six in the afternoon, elect by ballot, one respectable citizen residing therein, who shall be styled the chief burgess, one other Chief burgess citizen who shall be styled the assistant burgess, and five assistant and citizens to be a town council; and shall also elect as aforesaid, one citizen as high constable; all of whom shall be residents of said borough; but previous to the opening of said election, such of the inhabitants as are present at the said place of election, shall elect two citizens as judges, one as inspector, Election officers. and two as clerks of the said election, which shall be regulated and conducted throughout according to the general election laws of this commonwealth, and who shall be subject to the same penalties, for mal-practices, as by the said laws are imposed; and the said judges, inspector and clerks, before they enter upon the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of the said county to perform the same with fidelity; Oaths, &c. and after the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected; and in case any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the two judges in the presence of the inspector and clerks; whereupon, duplicate certificates of said election shall be signed by the said judges, one of which shall be transmitted to the person elected chief burgess, and the other filed among the records of the corporation; and it shall be the duty of the high constable for the preceding

Neglect of election not to dissolve corporation.

Proviso.

year, to give notice in writing, to each of the persons so elected as aforesaid; and in case of the death, resignation, removal, or refusal to accept of any of the said offices, or if it should at any time happen, that no election should be holden on the day and in the manner aforesaid, the corporation shall not on that account be dissolved; but the chief burgess, or in his absence or inability to act, the assistant burgess shall issue his precept, directed to the high constable, to hold an election in manner aforesaid, to supply such vacancy, giving at least eight days notice by six advertisements, set up in the most public places in said borough: *Provided*, That the citizens of said borough, shall be entitled to vote at the first election, although they shall have paid no borough tax

Incorporation

Title.

Powers, privileges, &c.

SECT. 3. *And be it further enacted by the authority aforesaid*, That from and after the second Friday in May next, the chief burgess, assistant burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "the chief burgess, assistant burgess and town council of the borough of Honesdale," and shall have perpetual succession; and the said chief burgess, assistant burgess and town council, and their successors, shall be capable in law to have, get, receive, hold and possess, goods and chattels, lands and tenements, in fee simple or otherwise, not exceeding the yearly value of three thousand dollars; and also, to grant, sell, let and assign, the same goods and chattels, lands and tenements; and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law of this commonwealth, in all manner of actions whatsoever; and to have and to use one common seal, and the same from time to time at their will to change and alter, until it be otherwise directed by law.

Penalty on refusal to accept office.

How recovered and appropriated.

SECT. 4. *And be it further enacted by the authority aforesaid*, That if any person duly elected chief burgess, assistant burgess, member of the town council, or high constable as aforesaid, and having received notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the said office, to which he shall have been elected, or having taken upon him the duties of said office, shall neglect to discharge the same according to law; every person so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of ten dollars, which fine and all fines and forfeitures incurred and made payable in pursuance of this act, or any of the by-laws and ordinances of the town council, shall be for the use of the said corporation, and shall be recovered before any justice of the peace, in the same manner as debts not exceeding one hundred dollars are recoverable by the laws of this commonwealth, and shall be forthwith paid to the treasurer of the borough; and it shall

be the duty of the officers of said borough, on receiving any money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided*, That no person elected as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in five years. Proviso.
Not liable for refusal more than once in 5 years.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the chief burgess, assistant burgess, members of the town council and high constable, and each of them, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation before any justice of the peace of said county, to support the constitution of the United States and of this state, and to perform the duties of their respective offices with fidelity; and the certificates of such oaths and affirmations, shall be filed among the records of the said corporation. Oaths of office.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the town council shall meet on the first Monday next, after their election in each year, at such place as a majority of them shall agree upon, and choose one of their number president, who shall preside at all their meetings; and it shall be the duty of the said council (three of whom shall be a quorum,) to hold quarterly meetings on the third Saturdays in April, July, October and January, in each year, and oftener if occasion requires; at which meetings they may make, enact, alter, revise, repeal and amend, all such by-laws, rules, regulations and ordinances as shall be determined by a majority of them necessary to promote the peace, good order, benefit and advantages of the said borough; particularly of providing for the regulation of markets, improving, repairing and keeping in order the streets, lanes, alleys and highways, ascertaining the depth of vaults, sinks, pits for necessary houses, and making permanent rules, relative to the foundation of buildings, party walls and fences; they shall have power to assess, apportion and appropriate such taxes as shall be determined by a majority of them necessary for carrying the said rules and ordinances from time to time into complete effect; and also to appoint a town clerk, treasurer, street supervisor, clerk of the market, and a collector, annually, and such other officers as may be deemed necessary from time to time; and the same officers from time to time to remove for misdemeanor in office: *Provided*, That no by-laws, rules or ordinance of the corporation, shall be repugnant to the constitution or laws of the United States or of this commonwealth; and that no person shall be punished for the breach of a by-law or ordinance of the said corporation, until ten days have expired after the promulgation thereof, by at least three advertisements, set up in the most public places in the said borough: *And provided also*, That in assessing such tax, due regard shall be had to the valuation of taxable property, taken for the purpose of raising Meetings of council.
3 a quorum.
Powers, duties, &c.
To choose subordinate officers.
Proviso.
No by-laws repugnant to the constitution.
Publication thereof.
2d proviso.

Limit of tax. county rates and levies, so that the said tax shall not in any one year exceed one half cent in the dollar of such valuation, unless some object of general utility shall be thought necessary; in which case, three fourths of the taxable inhabitants of said borough shall approve of and certify the same in writing, under their hands, to the town council, who shall proceed to assess the same accordingly.

Powers of burgesses relative to the collection of taxes, &c. *SECT. 7. And be it further enacted by the authority aforesaid,* That the chief burgess, elected and qualified, agreeably to this act, or in his absence or inability to act, the assistant burgess is hereby authorised to issue his precept as often as occasion may require, directed to the collector, commanding him to collect all taxes so assessed, and the same to pay over to the treasurer; and the said chief burgess, or in his absence or inability to act, the assistant burgess is hereby authorised to carry into effect all by-laws and ordinances enacted by the town council, and whatsoever else shall be enjoined upon him or them, for the well ordering and governing said borough; and shall also have power to mitigate or remit fines and forfeitures in all cases, where it shall appear that the person or persons so fined, did not offend intentionally, or on their having some other just and reasonable excuse to plead in his or their behalf.

Duties of town clerk. *SECT. 8. And be it further enacted by the authority aforesaid,* That it shall be the duty of the town clerk, to attend all meetings of the town council, when assembled upon business of the corporation, and perform the business of clerk thereto; and keep and preserve the common seal and records of the corporation, and be answerable for the same; and also, for the faithful discharge of the duties which may be enjoined upon him, by virtue of this act, or by the by-laws and ordinances of the corporation; and his attestation with the seal of the corporation, shall be good evidence of the act or thing so certified.

Security of treasurer. *SECT. 9. And be it further enacted by the authority aforesaid,* That the treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the delivery of all moneys, books and accounts, appertaining thereto, into the hands of his successors, upon demand made for that purpose.

Annual settlement and publication of accounts. *SECT. 10. And be it further enacted by the authority aforesaid,* That the street supervisor, treasurer, high constable, clerk of the market and collector, as well as other officers that may be appointed by the corporation or council, shall in the month of March, yearly, render their accounts to the said council for settlement; and the said accounts being so adjusted and settled, shall be forthwith published by the council; shewing particularly the amount of taxes laid and

collected, and all moneys paid into the treasury, and the amount of expenditures.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the chief Burgess, assistant Burgess and president of the council, or any two of them, shall constitute a court of appeal; and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax, and of the time and place of appeal: *Provided nevertheless*, That the said court of appeal shall have no other power as such, than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same. Court of appeal.
Proviso.
Limit to power.

SECT. 12. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the high constable, to give notice of the annual election of the said borough, to be held in pursuance of this act, by setting up five advertisements in the most public places in said borough, at least ten days previous thereto; he shall attend and see that the election is opened at the time and in the manner directed by this act: *Provided*, That the constable of the township of Dyberry, for the time being, shall publish and superintend the election to be held on the second Friday in May next, as hereinbefore directed. High constable to give notice of election.
Proviso.
Dyberry constable to hold first election.

SECT. 13. *And be it further enacted by the authority aforesaid*, That the town council, shall from time to time, fix the compensation of the high constable, town clerk, treasurer, clerk of the market, and such other officers as may be appointed under this act; which compensation shall be paid out of the borough treasury, by orders drawn thereon, signed by the president of the council; and shall not be increased or diminished during the time for which said officers were appointed, respectively: *Provided*, That if any person appointed by the town council as aforesaid, shall neglect or refuse to take upon himself, the duties of the office to which he shall be so appointed, he shall for the same, forfeit and pay for the use of the corporation the sum of ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service: *Provided also*, That no person appointed as aforesaid, shall be liable to fine, for refusing or neglecting to serve more than once in five years. Compensation of subordinate officers.
Proviso.
Penalty on refusal to serve.
2d Proviso.
Not to serve more than once in 5 y^{rs}.

SECT. 14. *And be it further enacted by the authority aforesaid*, That if any person or persons shall think him, her or themselves aggrieved, by any thing done in pursuance of this act, except in what relates to the appointments made by the town council, he, she or they may appeal to the next court of common pleas, to be held for the said county, upon giving security according to law, to prosecute his, her or their ap- Right of persons aggrieved to appeal to court.

peal with effect; and the said court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty eighth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 33.

A SUPPLEMENT

To an act, entitled "An act to authorise the Governor to incorporate the Dundaff and Tunkhannock and other turnpike road companies, and for other purposes."

Extension of
time for com-
mencement,
&c. of Snow
Shoe and
Packerville
road.

To pass thro
Kylerville.

Additional
commission-
ers appointed.

Commission-
ers of Clear-
field county,
may subscribe
\$1500.
Of Centre
\$1000.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time mentioned in the eleventh section of the act to which this is a supplement, for commencing the making of the Snow Shoe and Packerville turnpike road, be and the same is hereby extended for a further term of five years; and the time for completing the same be and the same is hereby extended for a further term of ten years; and the said turnpike road shall pass through Kylerville, in the county of Clearfield.

SECT. 2. *And be it further enacted by the authority aforesaid,* That James Allport and Alexander B. Reed, be and they are hereby appointed commissioners, in addition to those appointed in the ninth section of the act aforesaid, who shall have the same powers, and be under the same restrictions, and shall perform the same duties, as those appointed in the said ninth section of the act to which this is a supplement.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners of the county of Clearfield, be and they are hereby authorised to subscribe, on behalf of and for the use of said county, any sum not exceeding fifteen hundred dollars, in the stock of the said Snow Shoe and Packerville turnpike road company: And also, that the commissioners of the county of Centre, be and they are hereby

authorised to subscribe, on behalf of and for the use of said county of Centre, any sum not exceeding one thousand dollars, in the stock of the said road company, to aid in the construction of the same.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 34.

AN ACT

For the relief of the New Holland turnpike road company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president, managers and company of the New Holland turnpike road company, be and they are hereby authorised and empowered to borrow, of any person or persons, bodies corporate or politic, any sum of money, not exceeding four thousand five hundred dollars, and as a security for the repayment of the same to pledge the nett amount of tolls that may be received on said road, after paying the necessary repairs thereon.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirty-first day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 35.

AN ACT

To change the name of Thomas Wood Abbott to Thomas Abbott Wood.

WHEREAS, it has been represented by John Abbott and Esther his wife, (formerly Esther Wood) that they deem it expedient to change the name of their son Thomas Wood Abbott, to Thomas Abbott Wood, (now aged thirteen years)

Preamble.

and they have prayed the legislature to sanction and confirm the said change of name: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Thomas Abbott Wood, formerly Thomas Wood Abbott, shall henceforth be called and known by the name of Thomas Abbott Wood; and by the same name shall be able and capable, in law, to sue and be sued, grant and receive, take by devise, bequest or otherwise, and do all other legal acts, as effectually to all intents and purposes as he could have done by his former name, if no change had been made therein.

Name changed.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The thirty-first day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 36.

AN ACT

For the relief of Philip Weitzel and Henry Black, soldiers of the revolution.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay to Philip Weitzel, of Lancaster county, a soldier of the revolution, or to his order, forty dollars immediately, and an annuity of forty dollars, during life, payable half yearly, to commence on the first day of January, eighteen hundred and thirty-one.

\$40 gratuity and annuity granted to P. Weitzel.

Same to H. Black.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Henry Black, of Adams county, a soldier of the revolution, or to his order, forty dollars immediately, and an annuity of forty dollars, during life, payable half yearly, to commence on the first day of January, eighteen hundred and thirty-one.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The thirty-first day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 37.

A FURTHER SUPPLEMENT

To an act, entitled "An act to regulate the inspection of flour in certain western counties of the state,"

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the flour imported into any of the counties to which the act of the thirtieth September, seventeen hundred and ninety-one, to which this act is a further supplement, extends, from any of the adjoining states, for the purpose of being offered for sale within the said counties, shall be subject to the same inspection and other regulations as by the said recited act are extended to flour manufactured within the said counties.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 38.

A FURTHER SUPPLEMENT

To an act, entitled "An act for the better employment, relief and support of the poor, in the township of Germantown, in the county of Philadelphia."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever it shall so happen that any person or persons, notified of their election as manager or managers, for the relief and employment of the poor, of the township of Germantown, in the county of Philadelphia, in pursuance of the act to which this is a supplement, shall refuse to serve as therein mentioned, it may and shall be lawful for the board of managers, at their next meeting, to

How new managers shall be chosen when persons elected refuse to serve.

supply the vacancy or vacancies thereby occasioned, by directing their secretary to notify the person or persons having the next highest number of votes to those declared to be elected by the judges of the election, if such persons there be; and the person or persons, thus notified by said secretary, shall be under like obligations to serve with those first notified, and shall be subject to like payment for refusing so to do.

How other vacancies may be filled.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in case of death, removal from the township, or disability of one or more of the managers, during the interim between two elections, or in case of refusal to serve, if there is no person or persons who have been voted for, excepting those first declared to be elected, as provided for in the preceding section of this supplement, then, and in either of those cases, it may and shall be lawful, for the acting members of the board, aforesaid, should they find a discharge of their increased duties burthensome, and deem it necessary the board should be full; to cause public notice to be given, at least ten days, by posting up in at least six public situations in different parts of said township, information, signed by the secretary, that an election will be held on a day stated, between the hours of two o'clock and nine o'clock P. M. at the usual place of holding the township election, for the purpose of choosing a person or persons to supply said vacancy or vacancies, as the case may be; said election to be conducted by officers, duly qualified, as in the election for constables and supervisors of said township; and the expenses thereof to be paid out of the poor tax of said township.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirty-first day of January, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 39.

AN ACT

Relative to the circuit court and court of quarter sessions of Lancaster county.

Preamble.

WHEREAS, by the eighth section of the act of assembly, passed the tenth day of April, one thousand eight hundred and twenty-six, entitled "An act re-organizing the district

court for the city and county of Lancaster," no suit or suits can be removed into the circuit court for the counties of Lancaster and York, from the district courts, or from the courts of common pleas, in said counties, except in suits wherein the amount in controversy shall exceed the sum of three thousand dollars: *And whereas*, it has been represented to the legislature, by many of the citizens of Lancaster county, that much advantage would arise to them if this provision, limiting the jurisdiction of the circuit court in said county, were changed from three thousand to fifteen hundred dollars: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all causes now pending in the district court for

the city and county of Lancaster, and in the courts of common pleas of said county, where the sum in controversy exceeds the sum of fifteen hundred dollars, may be removed into the circuit court; at any time within six months from and after the passage of this act; and all causes which have heretofore been removed from the said district court or court of common pleas into the circuit court of Lancaster county, and have been remanded in consequence of having been informally removed, and all causes now pending in the said circuit court, which, in consequence of having been informally removed into said court, shall be remanded, may, where the sum in controversy exceeds the sum of fifteen hundred dollars, be again removed into said circuit court, at any time within six months from and after the passage of this act, or within six months from and after the same may be remanded, as aforesaid; and all causes now pending in the supreme court, which originated in the said district court and court of common pleas of Lancaster county, which shall hereafter be reversed, may, where the sum in controversy exceeds the sum of fifteen hundred dollars, be removed into the circuit court within six months after the passage of this act, or after the reversal of the same: *Provided*, That the causes herein

Suits for sums over \$1500 to come within the jurisdiction of circuit court.

authorised to be removed shall otherwise be within the jurisdiction of the said circuit court, and subject to the provisions of the several acts of assembly authorising the removal of causes into the said circuit court; and that hereafter all civil actions may be removed, in the manner now provided by law, from the said district court and court of common pleas into the circuit court of Lancaster county, wherein the amount in controversy shall exceed the sum of fifteen hundred dollars: *Provided*, That no cause which may be a second time remanded as having been informally removed, as aforesaid, shall be again removed into said circuit court: *And*

Proviso. Suits must be otherwise within the jurisdiction of said court, &c.

provided also, That no cause which now is, or which shall be put down for trial, at any particular term or adjourned court of said district court or of said court of common pleas, shall

2d proviso. Causes a second time remanded.
3d proviso. Causes not to be removed until after court.

be removed, as aforesaid, until after such term or adjourned court.

Judges of common pleas and quarter sessions to continue sessions as long as business may require.
SECT. 2. *And be it further enacted by the authority aforesaid,* That the judges of the court of common pleas of Lancaster county, composing and holding the court of general quarter sessions of the peace in and for said county, shall be and they are hereby authorised and empowered to direct the sessions of the said court to be held and continued during the whole of the two weeks of each and every regular term, whenever the business of the court shall require the same, or so many days, during the second week of each regular term, as they shall deem necessary to finish the business pending in the said court of quarter sessions.

Repealing section.

SECT. 3. *And be it further enacted by the authority aforesaid,* That so much of any former act or acts as is hereby altered and supplied, be and the same is hereby repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventh day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 40.

AN ACT

For the relief of John Daily, Samuel Kline, Dewalt Lynn and Jacob Wingler, revolutionary soldiers.

\$40 gratuity and annuity granted to J. Daily and S. Kline.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay to John Daily, of Warren county, and state of New Jersey, and to Samuel Kline, of Berks county, soldiers of the revolutionary war, or to their respective orders, forty dollars each, immediately, and an annuity of forty dollars each, during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-one.

\$40 gratuity to J. Wingler and D. Lynn.
SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Jacob Wingler, of Cumberland county, and to Dewalt Lynn, of Northumberland county, or to their

respective orders, forty dollars each, immediately, as a gratuity, and as full compensation for their revolutionary services.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The seventh day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 41.

AN ACT

To exempt from taxation the hall, with the lot of ground whereon it is erected, of the Academy of Natural Sciences of Philadelphia.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the hall, with the lot of ground whereon it is erected, of the Academy of Natural Sciences of Philadelphia, be and the same is hereby exempted from taxation, so far as regards the taxes paid for city and county purposes, for and during the term of twenty years, from and after the passage of this act: *Provided,* The same be so long occupied by the Academy of Natural Sciences of Philadelphia.

For 20 years.

Provido.
If so long thus occupied.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The seventh day of February, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 42.

AN ACT

Concerning the heirs of Richard Wistar, the elder, deceased.

WHEREAS, Richard Wistar, the elder, deceased, by his last will and testament, recorded in the register's office in

Preamble.

the city of Philadelphia, in the year one thousand seven hundred and eighty-eight, did, among other things, direct that his executors therein named should cause a division to be made of his lands, situate in the then counties of Northumberland and Bedford, of this state, in a manner particularly described in the said will: *And whereas*. In conformity with said directions, an instrument of partition or allotment was executed by the said executors, dated the twelfth day of January, one thousand seven hundred and ninety-three, which, by mistake, was recorded in the rolls office, letters of attorney book, No. seven, pages three hundred and twenty-six, three hundred and twenty-seven, three hundred and twenty-eight, and three hundred and twenty-nine: *And whereas also*, The said instrument of partition or allotment has been since lost, and not having been recorded in the proper counties, the persons who derive titles to lands in the counties aforesaid, by virtue of said instrument of partition or allotment, have been deprived of the benefit of said recorded instrument of partition or allotment in defence of their titles, as derived as aforesaid: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the*

Copy of recorded instrument of partition to have same effect as original.

same, That the proper officer, having charge of the records of the said rolls office, be and he is hereby authorised and required, on payment of a reasonable compensation for his services, to furnish an authenticated copy of the said recorded instrument of partition or allotment, to any person or persons claiming title through the same; which said copy shall have the same force and effect as the original instrument of partition or allotment would in law have, if now existing, duly acknowledged and recorded in the proper county, and be taken and regarded in all respects as the original instrument of partition or allotment; and the same copy may be put on record as an original instrument, duly proved and acknowledged, in the proper office and offices of the county and counties where any of the lands conveyed by the said instrument of partition or allotment, or intended so to be, are situated: *Provided*, That nothing in this act contained, shall, in any manner affect or impair the titles of such persons as now hold adversely to the heirs or devisees of the said Richard Wistar, the elder, deceased, or their representatives.

Proviso.

Not to injure adverse claimants.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventh day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 43.

A FURTHER SUPPLEMENT

To the act, entitled "An act to extend the charter of the Washington and Bedford turnpike road companies,"

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the time allowed in the act, entitled "An act authorising the Governor to incorporate the Washington and Bedford turnpike road companies," passed the eighteenth day of March, eighteen hundred and sixteen, and in the supplement to the said act, extending the charter of said companies, passed the fifteenth day of March, eighteen hundred and twenty-six, and the further supplement to the said act, extending the charter of said companies, passed the nineteenth day of March, eighteen hundred and twenty-nine, for the completion of said road, be and the same is hereby extended, for the term of one year, from and after the passage of this act; and the charter of the said companies and the several laws relative thereto, or in any manner concerning the said turnpike road companies, which are now in force, shall be and remain in as full force as though the time in the extended act, had been allowed in the original act.

Time allowed
for comple-
tion extended
one year.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventh day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 44.

AN ACT

To incorporate the Philadelphia, Germantown and Norristown rail road company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That John Savage, Peter Wager, Benjamin Chew, Junr. Samuel Keith, Lewis Rush, Joseph Solms, John Paterson, George M. Hickling and Alexander M'Caraher, of &c. Commission-
ers appointed
to open books,

the city of Philadelphia, James M. McCormack, Benjamin E. Carpenter and Jacob Heyberger, of the Northern Liberties, Reuben Haines, Thomas R. Fisher, John Leibert, Israel Gilbert, Joseph Hergesheimer, Elijah Dallet, John Waters, Edward H. Bonsall and Thomas H. Craig, of Philadelphia county, Joseph Thomas, William Powell, Philip S. Markley, George Sheaff, Samuel Maulsby, Peter Dager and Matthias Holstein, of the county of Montgomery, or any two of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall on or before the first day of May next, procure three books, one of which shall be opened in Philadelphia, Germantown and Norristown, in each of which they shall enter as follows:

Form of subscription.

\$50 per share.

"We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Philadelphia, Germantown and Norristown rail-road company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to incorporate the Philadelphia, Germantown and Norristown rail road company." Witness our hands this

day of in the year of our Lord one thousand eight hundred and ;" and shall thereupon, give notice in one newspaper printed in the city and county of Philadelphia and county of Montgomery, for two weeks at least, of the times and places when and where the said books shall be kept open, to receive subscriptions for the stock of the said company; at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the said books, in their own names or the name of any other person who shall authorise the same, for shares in said stock; and the said books shall be kept open, respectively, for the said purpose, at least six hours in each juridical day, for the space of six days, or until there shall have been subscribed eight thousand shares; and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time and transfer the book or books elsewhere, until the whole number of eight thousand shares shall be subscribed; of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided*, That no person shall be permitted to subscribe for more than five shares on the first day, and not more than ten shares on the second day, after which, any person may subscribe for any number of shares until the whole of the stock is taken.

Whole No. of shares £900.

Proviso.

No. 1st and 2d days limited.

SECT. 2. *And be it further enacted by the authority aforesaid,*
 That when four thousand shares or more of the stock shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners, or a majority of them, may certify to the Governor under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the sums paid thereon; whereupon, the Governor shall, by letters patent under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of the Philadelphia, German-town and Norristown rail-road company; and by the same name, the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere; and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels and all estate, real, personal or mixed, of what kind or quality soever; and the same from time to time to sell, mortgage, grant alien or dispose of, and to make dividends of such portion of the profits as they may deem proper; and also, to make and have a common seal, and the same to alter or renew at pleasure; and also, to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth; and generally, to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided,* That nothing herein contained shall be considered as in any way giving to the said corporation any banking, manufacturing or trading privileges, whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making of the said rail-road: *Provided further,* That the said company shall at no time hold or possess any land for any other purpose than the construction of the said rail-road, or for toll houses, or other necessary works.

When 4000 shares are taken and \$5 paid on each share, charter may issue.

Title.

Privileges, immunities, seal, &c.

Proviso.

No banking or trading privileges.

2d proviso.

Holding of land.

SECT. 3. *And be it further enacted by the authority aforesaid,*
 That the said named persons, or a majority of them, shall, as soon as conveniently may be, after the said letters patent shall be obtained, give at least twenty days previous notice, in the newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person, or by proxy, which proxy shall have been obtained and bear date within three months previously to the election

Mode of organizing corporation.

President, 12 managers, treasurer, secretary, &c. pro tem.	at which such proxy shall be presented, duly authorised, one president and twelve managers, all of whom shall be residents of this commonwealth, a treasurer and secretary, and such other officers as shall be deemed necessary; that the president and managers, aforesaid, shall conduct the business of said company until the first Monday of November, then next, and until like officers shall be chosen; and may make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company.
May make by-laws, &c.	
General election for same officers.	SECT. 4. <i>And be it further enacted by the authority aforesaid,</i> That the stockholders shall meet on the first Monday of November, then next, as aforesaid, at such place as may be fixed upon by the by-laws, of which notice shall be given, at least twenty days, by the secretary, in the newspapers before mentioned, and choose, by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act: <i>Provided,</i> That the managers shall be elected in the manner following, that is to say: four managers to serve one year, four to serve two years, and four three years; and on the same day in each and every year thereafter a like election shall take place, when the necessary officers shall be elected, and four managers to supply the places of those whose time has expired, to continue in office until others are chosen; and the stockholders shall also meet at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations, as aforesaid; to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share not exceeding two shares, one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred, as aforesaid, shall confer any additional right of voting; and no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide, in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co partnership, corporation or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person:
Proviso.	
Managers to be classed.	
Meetings of stockholders.	
Ratio of votes to shares.	
Shares must be holden 3 months prior to election, &c.	

Provided, That no person shall be permitted to vote at the first election of said company, unless he or she has fully paid five dollars on each share of stock by him or her subscribed, as directed by the second section of this act; and at all subsequent elections of said company no person shall be permitted to vote unless he or she shall have fully paid all the instalments called for, and then due, on the shares by him or her subscribed: *Provided*, That no shares, held by transfer, shall be entitled to vote, unless the same shall have been transferred at least three months before the election; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and twenty, entitled "An act to regulate proxies."

Proviso.
Instalments
to be paid be-
fore voting.

Proviso.
Votes by
proxy, &c.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the election of officers, provided for in the fourth section of this act, shall be conducted in the following manner, that is to say: the managers for the time being, shall appoint two of the stockholders, not being managers, to be judges of the said election; and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman or justice of the peace, well and truly and according to law to conduct such election, to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of the voters; and when the election is closed shall count the votes, and declare who has been elected; and if it shall at any time happen that an election of president, managers, treasurer, secretary or other officer, shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary or other officers, on the same day or on any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election; and they are hereby required so to do at least once in every twenty days, till the requisite officers are chosen; and the president, managers, treasurer, secretary and other officers of the preceding year shall, in that case, continue to act and be invested with all powers belonging to their respective situations, until an election shall take place. In the case of death, resignation or removal from the state, of any president, manager, treasurer, secretary or other officer, his place shall be filled by the board of managers, until the next annual election.

Manner of
conducting
elections.

Neglect not
to dissolve.

Vacancies,
how filled.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business; and when met, seven shall be a quorum, who, in the absence of the president, may choose a

7 a quorum.

Record of proceedings. chairman; and shall keep minutes of their transactions, fairly entered in a book; and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers, as they shall deem necessary to carry on the intended work; and to fix their salaries and wages; to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares; to draw orders on the treasurer for moneys, which orders shall be signed by the president, or in his absence, by a majority of the managers present, and countersigned by the secretary; and generally to do all such other acts, matters and things as by this act and by the by-laws and regulations of the company they are authorised to do.

Powers, duties, &c.

Orders on treasurer.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the president and managers first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for such share or shares by him subscribed and held, which certificate or evidence of stock shall be transferable at his pleasure, in person or by attorney duly authorised, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject, however, to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him, as aforesaid, shall be entitled to a share or shares, as is therein mentioned, of the capital stock, of all the estates and emoluments of the company incident to such share or shares, and to vote, as aforesaid, at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

Certificates of stock.

Transferable.

How.

Rights of assignees.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if after thirty days notice, in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares,

Penalty on delay in paying instalments.

To amount to forfeiture.

the same shall be forfeited to the said company and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholder of any such instalment, as aforesaid, the president and managers may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Or suit may be brought.

Proviso.

Delinquents not to vote.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the president and managers of the said company shall demand and require of and from the treasurer, and all and every other the officers and other persons, by them employed, bond, in sufficient penalties, and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them or any of them respectively committed.

Bonds of treasurers and other officers.

SECT. 10. *And be it further enacted by the authority aforesaid*, That dividends of so much of the profits of the institution as shall appear advisable to the managers shall be declared, at least twice a year in every year, and paid to the stockholders, on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired. If the said managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting thereto shall be liable, in their individual capacities, to said company, for the amount of the stock so divided; and each manager present when such dividend is made shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividends: *Provided*, No dividend shall exceed twelve per cent. per annum: *And provided further*, That whenever the dividend shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividend above six per cent. into the treasury of this state, for the use of the commonwealth.

Declaration of dividends.

Not to impair capital.

Proviso.

Not to exceed 12 per cent. 2d proviso. Tax of 8 per cent. on all over 6.

SECT. 11. *And be it further enacted by the authority aforesaid*, That when actual operations shall have been commenced, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the account of the company, shewing the whole amount of their capital actually paid into the funds of the company, the sums expended, the

Annual abstract of account to be laid before legislature under oath.

tolls and other profits accruing within the year, and the amount of dividend declared within each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president for the time being.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the president, directors and company, of the said rail-road company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for said rail-road: beginning at Stony creek, in the borough of Norristown, and passing through the townships of Plymouth and Whitmarsh, in Montgomery county, the line also in its progress to be located as near to the village of Germantown as the conformation of the ground will admit, the average distance not to exceed half a mile from the Main street thereof; thence to approach the city of Philadelphia, with two branches, one to terminate as near as practicable to the northern side of said city, at or between Delaware Sixth street and Broad street, and the other to terminate at or near the Delaware river, at Kensington, having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience and the interest of the stockholders, and so as to do the least damage to private property; and the said road shall not be more than four rods wide, and shall not pass through any burying ground nor place of public worship, or any dwelling house, without the consent of the owner thereof; nor shall it pass through any out buildings of the value of five hundred dollars, without such consent; and the said president, directors and company, shall, within six months after ascertaining the route of the said rail-road, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the secretary's office of this state, which map or plot or a certified copy thereof, shall be sufficient evidence of the course of the said road, which may then be opened; and all the expenses incurred thereby, shall be defrayed by said company: *Provided,* That the said rail-road shall be made double, so as to accommodate the trade ascending as well as descending the same.

SECT. 13. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said president, directors and company, and their agents, and all persons employed by or under them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for laying out said road; and also for the purpose of searching for stone, gravel, wood or other materials for constructing said road; but no stone, sand, gravel or wood shall be taken away from any land without the consent of the owner thereof, until the rate of compensation for the same be ascertained and paid, which rate of compensation, if the parties cannot

Location of road.

Commencement.

Termination.

Width.

Draft to be filed in secretary's office.

Proviso. To be made double.

Right to enter upon lands to locate and for materials.

None to be taken without consent.

agree thereon, shall be ascertained in the manner hereinafter prescribed, as to the compensation for lands over which said road may be laid.

SECT. 14. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the company hereby incorporated, to make, erect and establish a double rail-road on the route laid out as aforesaid; and they are also hereby empowered to erect, make and establish all works, edifices and devices to such rail-road, as may by the said company be deemed expedient, for the purpose of carrying into effect the objects of their incorporation; and also to contract or agree with the owner or owners, for the purchase of any lands or tenements, which may be necessary for the purpose of erecting the said rail-road.

SECT. 15. *And be it further enacted by the authority aforesaid*, That whenever it shall be necessary for the said president, directors and company, to enter in and upon and occupy for the purpose of making said rail-road, any land upon which the same may be located; if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree on the compensation to be made for any injury or supposed injury that may be done to said land, by such entry and occupation, it shall and may be lawful for the parties, to appoint six suitable and disinterested persons to estimate such damages, who shall be under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county, where the land lies; and the expenses incurred by the said appraisers shall be defrayed by the said rail-road company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after the requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of common pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to appoint six disinterested men of said county, to view, examine and survey the said lands, tenements or hereditaments and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid, by reason of said rail-road, and report the same under their oaths and affirmations to the said court; which report being confirmed by the said court, judgment shall be entered thereon; and the viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company; and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the

Right to construct, purchase, &c.

Arrangement for the settlement of damages.

Parties may appoint six viewers.

Expenses defrayed by company.

Or court may appoint viewers.

Their duties.

Fees, &c.

- Proviso.** owner or owners of the said lands from the said rail-road: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed by the provisions of the arbitration act of the year eighteen hundred and ten; and upon the coming in of such report and the confirmation thereof, or upon final judgment, or appeal therefrom, and the said company paying to such owner the sum in such report or judgment specified, in full compensation for said lands or for the injury sustained as aforesaid, the said company shall become seized of the same estate in the said lands which the owner held in the same, and they, and all who act under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, Upon payment, or tender of payment, by the said company, of the sum specified in the report of said viewers or appraisers to the owner of said land, the said president and managers of said company, their agents or contractors for making or repairing the said road, may immediately take and use the same without awaiting the issue of proceedings as hereinbefore prescribed.
- Right of appeal.**
- On payment of award, company to hold property.**
- Proviso.** On tender of award, company need not wait issue.
- Rail-road not to obstruct other roads.**
- Public causeways to be made.**
- Penalty on neglect.**
- How recoverable.**
- Process may be served on any officer of company.**
- Private causeways to be constructed.**
- SECT. 16.** *And be it further enacted by the authority aforesaid*, That the said rail-road shall be so constructed by the said company, as not to obstruct or impede the free use and passage of any public road or roads which may cross or enter at the same, being now laid out or hereafter to be laid out; and in all places where the said rail-road may cross, or in any way interfere with any public road, it shall be the duty of the said company to make or cause to be made, a good and sufficient causeway or causeways, to enable all persons passing or travelling such public road, to cross and pass over or under the said rail-way, which causeway or causeways shall be made and maintained by the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when made, to keep the same in good repair, they shall be liable to pay a penalty of ten dollars for every day the same shall be neglected or refused to be made or repaired, after having been duly notified thereof, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable; and shall, moreover, be liable to an action or actions at the suit of any person who may be aggrieved thereby; and the service of process upon any officer or agent of said company shall be as good and available in law as if served upon the president thereof.
- SECT. 17.** *And be it further enacted by the authority aforesaid*, That for the accommodation of all persons owning or possessing land through which the said rail-road may or shall pass, and to prevent inconveniences to such persons in crossing or passing the same, it shall be the duty of said company,

when required, to make or cause to be made a good and sufficient causeway or causeways, wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over or under the same, with wagons, carts and implements of husbandry, as the occasion may require: *Provided*, That the said company shall in no case be required to make or cause to be made more than one such causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said rail road may or shall pass; and where any public road shall cross the said rail-road the person owning or possessing land through which the said road shall pass, shall not be entitled to make such requisition on said company; and the said causeway or causeways, when so made, shall be maintained and kept in repair by said company; and if said company shall refuse or neglect to make such causeway or causeways, or when made, to keep the same in good repair, when duly notified thereof, the said company shall be liable to pay any person aggrieved thereby all damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered before any magistrate, or any court having cognizance thereof; and the service of process upon any officer or agent of said company shall be as good and available in law as if served upon the president thereof.

Proviso.
Not more
than one to
each owner.

None necessary where a
public causeway crosses.

Penalty on
neglect.

How recovered,
&c.

SECT. 18. *And be it further enacted by the authority aforesaid*, That no suit or action shall be brought or prosecuted by any person or persons, for penalties incurred under this act, unless said suit or action shall be commenced within twelve months next after the offence shall have been committed, or the cause of action shall have accrued; and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Suits must be
commenced
within 12
months.

SECT. 19. *And be it further enacted by the authority aforesaid*, That the said company shall not prevent any person or persons, being the owner or owners of land bordering on said rail-road or adjacent thereto, from making such lateral rail-roads, and to connect them with said rail-road from their said lands, as the said person or persons may conceive necessary.

Right of others
to construct and
connect lateral
rail-roads

SECT. 20. *And be it further enacted by the authority aforesaid*, That on the completion of the said rail-road the said company may charge and receive tolls, and for freights in and for the transportation of goods, wares and merchandize, and for the conveyance of passengers, at the following rates, that is to say: on each ton of produce, minerals or other commodities, not enumerated below, two cents per mile; for boards, plank, scantling or other sawed stuff, reduced to inch

Rates of toll.

measure, two cents per one thousand feet, and for shingles two cents on each fifteen hundred thereof; and all fractions not less than half a ton shall be considered a ton; and on empty cars, or those carrying less than half a ton, one cent each; on all passengers, excepting only such as are necessarily engaged in conducting the cars, one cent each per mile; but no person or persons shall ride, lead, drive or pass along said rail-way any horse or horses, cattle, or any animal of what kind soever, nor place any car or other carriage thereon, without a permit or license first had and obtained from said company, subject to such rules and regulations as shall from time to time be established by the said company, to govern the use of said rail-road: *Provided*, That on the completion of one track, of a section of five miles of said rail-road, from Philadelphia upwards, the said company shall be at liberty to charge and receive tolls according to the rates aforesaid: *And provided also*, That all persons using the said road shall only use those cars, wagons and conveyances which shall be adapted thereto, which said cars, wagons and conveyances, to be used thereon for the transportation of persons or commodities, shall be prescribed by the said company: *And provided further*, That whenever the nett proceeds of the aforesaid tolls shall exceed twelve per cent. on the capital expended, they shall be so reduced as not to exceed that amount.

Proviso.
Toll may be taken on the completion of 5 miles.
2d proviso.
Company to prescribe kind of cars.

3d proviso.
When profits exceed 12 per cent. tolls to be reduced.

Reservation of right to repeal.

Proviso.

Of right to purchase after 30 years.

Penalty on wilfully injuring works.

SECT. 21. *And be it further enacted by the authority aforesaid*, That if it shall appear that the privileges by this act granted, are injurious to the interests of this commonwealth, the legislature reserves the right to revoke, alter or annul the charter hereby granted at any time they may think proper: *And provided*, That the state may, at any time after the expiration of thirty years, have the privilege of purchasing the entire interest and property of the said corporation, at a just and reasonable valuation or appraisalment, to be made in such manner as may at any time hereafter be provided for by law.

SECT. 22. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully and knowingly break, injure or destroy the rail-road, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company, in pursuance of this act, he, she or they shall forfeit and pay to the said company the actual damages so sustained, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of said company; and shall also be subject to indictment in the court of quarter sessions of the proper county; and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court.

SECT. 23. *And be it further enacted by the authority aforesaid,* That if the president, managers and company, shall not proceed to carry on said work within two years from the passage of this act, and shall not complete the same as aforesaid, in five years, according to the true intent and meaning of this act; or if after the completion of the said rail-road, the said corporation shall suffer the same to go to decay and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

Time of commencement, and completion, &c.

SECT. 24. *And be it further enacted by the authority aforesaid,* That if any increase of the capital stock be deemed necessary by the stockholders to complete the said rail-road, it may be lawful for the said president, managers and company, at a stated or special meeting convened for the purpose, to increase the number of shares, so that they shall not exceed in the whole ten thousand; and to receive and demand the moneys for shares so subscribed, in like manner and under like penalties as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

Capital stock may be increased to 10,000 shares.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventeenth day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 45.

AN ACT

Concerning the acknowledgment of sheriffs' and coroners' deeds in certain cases.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where real estate has been, or shall be sold by virtue of process, issued out of the supreme court, any circuit court or court of nisi prius in this commonwealth, the deed or deeds to the purchaser or purchasers may be acknowledged before the court of common pleas or district court of the proper county or city, in like manner and with like effect as the same might or could be acknowledged before the court from which the process authorising the sale shall have issued: *Provided,* That the court of common pleas or district court, before which, any sheriff or coroner shall be about to acknowledge any such deed as aforesaid,

Deeds for estate sold by process of supreme court, &c. may be acknowledged before common pleas or district court. Proviso. Court must be satisfied that notice has been given.

2d proviso.
Not to prevent
acknowledg-
ment before
supreme
court, &c. as
heretofore.

In such cases
court may de-
cide upon va-
lidity, &c. of
sale.

Return of
writ.

Acknowledg-
ment before
return day.

Court taking
acknowledg-
ment may di-
rect distribu-
tion of pro-
ceeds of sale
if paid over.

before allowing the same to be acknowledged, shall be satisfied that the parties interested have had reasonable notice thereof: *And provided also*, That nothing in this act contained, shall be taken to prevent the acknowledgment of such deeds as aforesaid, before the supreme court or any circuit court or court of nisi prius as heretofore.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the said courts of common pleas and district courts, in all such cases as aforesaid, when application shall be made to them to allow the acknowledgment of any such deed as aforesaid, shall have power to decide upon the regularity and validity of the sale, and to set the same aside if not made according to law; and it shall be the duty of the sheriff or coroner, before or immediately upon the acknowledgment of any such deed, to return the writ, by virtue of which the sale shall have been made, into the office of the clerk of the court from which the same shall have issued; and the acknowledgment of any such deed made and taken according to the provisions of this act, shall be good, notwithstanding the same may be done before the return day of such writ. And if money, being the proceeds of any such sale or sales, as aforesaid, shall be paid into any court of common pleas or district court, before which the deed or deeds for the property sold shall be acknowledged, such court may order and direct the distribution thereof in like manner as if the sale or sales had been made by virtue of process issued from such court.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventeenth day of February, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 46.

AN ACT

To authorise the Governor to incorporate the president, managers and company of the Armstrong and Clearfield turnpike road company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Thomas Blair, Jacob Pontious and Joseph Marshall, of Armstrong county, Charles C. Gaskill and John

Commission-
ers appointed
to open books,
&c.

W. Jenks, of Jefferson county, John Ewing and Henry Kinter, of Indiana county, David Ferguson and John Irvine, of Clearfield county, William A. Thomas and Hardman Philips, of Centre county, be and are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall on or before the first day of May next, procure a book and enter in it as follows: "We, whose names are hereunto subscribed, do ^{Form of subscription.} promise to pay unto the president, managers and company of the Armstrong and Clearfield turnpike road, the sum of twenty-five dollars for every share of said stock set opposite ^{\$25 per share.} to our respective names, in such manner and proportions, and at such times as shall be determined on by the president and managers of the said company in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to authorise the Governor to incorporate the president, managers and company of the Armstrong and Clearfield turnpike road.' As witness our hands the day of in the year of our Lord one thousand eight hundred and ;" and shall thereupon give notice in one or more of the newspapers printed in the counties of Armstrong, Indiana, Centre and Clearfield, for one calendar month at least, of the time and place, when and where the said book shall be opened to receive subscriptions for the stock of the said company; at which time and place, some one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in the said book, in their own name or in the name of any other person who shall duly authorise the same, for any number of shares of the said stock; and the said book shall be kept open, respectively, for the purpose aforesaid, for at least six hours in every juridical day for the space of three days, and until the said book so opened, shall have two hundred shares ^{Whole No. 200 shares.} therein subscribed; and if at the expiration of the said three days, the book aforesaid, shall not have the number of shares aforesaid therein subscribed, the said commissioners respectively may adjourn from time to time, and transfer the book from place to place until the whole number of shares shall be subscribed; of which adjournment and transfer, the said commissioners shall give such notice as the occasion may require.

SECT. 2. *And be it further enacted by the authority aforesaid,* That whenever ten or more persons shall have subscribed one hundred shares, or more, of said stock, the commissioners shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor; and thereupon, it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who ^{When 10 persons take 100 shares charter may issue.}

Privileges,
immunities,
&c.

shall afterwards subscribe to the number aforesaid, into one body corporate and politic, by the name, style and title of "the president, managers and company of the Armstrong and Clearfield turnpike road;" and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent and meaning of this act; and of purchasing, taking and holding to them and their successors and assigns; and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and doing all and every other matter or thing which a corporation or body politic may lawfully do.

Organization. *SECT. 3. And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give notice in the public papers aforesaid, of the time and place by them to be appointed, not less than thirty days from the publication of the first notice, of what time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of their own subscribers, by ballot, to be delivered in person or by proxy duly authorised, one president, eight managers, one treasurer and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen; and the said managers so chosen, and their successors, shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state and of the United States, as shall be necessary for the well ordering of the affairs of the said company; and generally, have like powers, authority and privileges for carrying on and completing said turnpike road; and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to take tolls as soon as five miles of said road shall be completed, in proportion to the distance, as are given and granted to the president, managers and company of the Philipsburg and Susquehanna turnpike road. And the said Armstrong and Clearfield turnpike road shall commence at the borough of Kittanning, in the county of Armstrong; thence to Punxsatawney, in the county of Jefferson, and to intersect the Northern turnpike at the mouth of Anderson's creek, in Clearfield county: *Provided*, That if the said company shall not proceed to carry on the said work within

President and managers, treasurer, &c.

Placed on same footing as Philipsburg and Susquehanna road.

Commencement of location.

Termination.

Proviso.

five years after the passage of this act, and shall not within ten years afterwards complete the said road according to the true intent and meaning of this act, then, and in either of the said cases, it shall and may be lawful for the legislature of this commonwealth, to resume all and singular the rights, privileges, liberties and franchises by this act granted to the said company.

Time of com-
mencement of
work and
completion.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The seventeenth day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 47.

AN ACT

Authorising the sale of certain real estate.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Mary Toole, of the city of Philadelphia, be and she is hereby authorised, at such time and in such manner as the court of common pleas for the county of Philadelphia shall direct, to sell at public sale, all that certain messuage and lot of ground in Locust street, in the city of Philadelphia, and all that certain messuage and lot of ground in Washington street, in the said city, being the same property of which Mary Toole, the elder, died seized, and to execute a deed or deeds to the purchaser or purchasers, their heirs and assigns therefor, which shall be valid and effectual to vest in the purchaser or purchasers, all the right, title and interest which the said Mary Toole, the elder, had and held in the same at and immediately before her death: *Provided* however, That before such deeds be executed or rendered valid and effectual, the purchase money for the said property shall be paid into the said court, or security be given by the said Mary Toole, for the faithful appropriation and investment of said moneys, as is by this act directed.

Mary Toole
authorised to
sell certain
lots in Phila-
delphia.

Proviso.
Security to
be given.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the proceeds of said sale, after the payment of all liens, shall be invested under the direction of the said court and secured for the use and benefit of such persons as are entitled to the said real estate, under the last will and testament of

Balance of
proceeds how
disposed of.

the said Mary Toole, the elder, dated seventeenth of November, eighteen hundred and eighteen, and duly proved in the register's office for the city and county of Philadelphia.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventeenth day of February, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 48.

AN ACT

Authorising the commissioners of Berks county to purchase certain lands to make a public road or street.

To cross and re-cross a new bridge over Schuylkill.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That it shall and may be lawful for the commissioners of Berks county to purchase, on behalf and for the use of said county, so much land, at or near the bridge lately erected over and across the river Schuylkill, in the said county, near where the road leading from Reading to the city of Lancaster crosses said river, as may be necessary to make a convenient public road or street, to cross and re-cross said bridge; which road or street, when laid out and opened by the commissioners aforesaid, shall be kept in repair by the supervisors of the borough or township, as in other cases.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventeenth day of February, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 49.

AN ACT

To amend the third section of the act of the sixth of April, eighteen hundred and thirty, entitled "An act authorising certain commissioners to view and lay out certain state roads."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the third section of the act of the sixth of April, eighteen hundred and thirty, entitled "An act authorising certain commissioners to view and lay out certain state roads," be and the same is hereby repealed; and all views, reports and other proceedings, had under or by virtue of the said third section, are hereby declared null and void, so far as the same relate to the location of the road thereby authorised to be laid out within the township of Williams, in Northampton county, and the township of Durham, in Bucks county: *Provided,* That nothing herein contained shall deprive or prevent the said commissioners, and other persons employed by them in viewing and laying out the state road therein authorised to be laid out, from receiving the compensation allowed them by the said act.

3d section of
an act of 6th
April, 1830,
repealed.

Certain pro-
ceedings an-
nullified.

Proviso.
Not to prevent
pay of com-
missioners.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventeenth day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 50.

AN ACT

To repeal part of the twenty-ninth section of the act, entitled "An act for the recovery of debts and demands not exceeding one hundred dollars, &c" passed twentieth March, eighteen hundred and ten, so far as respects the county of Greene.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the twenty-ninth section of the act to which this is a supplement, passed the twentieth of

Term of con-
stables' ser-
vice in Greene
county, not to
be limited.

March, eighteen hundred and ten, as prevents a person from serving as constable more than three years in any term of six years, be and the same is hereby repealed, so far as respects the county of Greene.

FREDK. SMITH,
Speaker of the House of Representatives.
WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The seventeenth day of February, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 51.

A SUPPLEMENT

To an act, entitled "An act for the removal of obstructions from certain navigable streams in the counties of Huntingdon and Centre," passed the twenty-seventh day of February, one thousand eight hundred and twenty-two.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of the act to which this is a supplement, be and the same are hereby extended to the county of Union, so far as regards Penns creek.*

Extended to
Penns creek,
Union county

FREDK. SMITH,
Speaker of the House of Representatives.
WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The seventeenth day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 52.

A SUPPLEMENT

To an "Act authorising the Governor to incorporate the Lick Run rail road and coal company, in Lycoming county."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the act to which this act is supplementary shall be and continue in force until the first Monday in December,*

Act to continue in force
until 1850.

in the year one thousand eight hundred and fifty, and no longer; and it shall and may be lawful for the legislature, at any time, to repeal, alter or amend the act to which this act is supplementary, and resume the powers and authority thereby authorised to be granted, should the said company, at any time, do any thing in violation of the provisions of said law.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The seventeenth day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 53.

AN ACT

To extend the charter of the Mechanics' bank of the city and county of Philadelphia.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled "An act to re-charter certain banks," approved the twenty-fifth day of March, one thousand eight hundred and twenty-four, be and the same is hereby extended for and during the term of ten years, from and after the first Wednesday in May, one thousand eight hundred and thirty-three, so far as the provisions of said act relate to the Mechanics' bank of the city and county of Philadelphia: *Provided nevertheless,* That said bank shall be subject to such alterations, provisions and restrictions as the legislature may, at any time hereafter, think proper to enact, for the better regulating of the banking institutions of this commonwealth; and also to all requisitions as to a bonus or premium to be paid to the commonwealth, as a consideration for the privileges herein granted, as now by law is, or as the legislature may at any time hereafter demand.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the first day of December next, no officer of the Mechanics' bank of the city and county aforesaid, except the president and directors, shall be permitted to own, either directly or indirectly, any share or shares of the

Charter extended 10 years from May, 1833.

Proviso. Subject to restrictions, &c. of legislature.

Certain officers not to be stockholders after 1st of December.

capital stock of said bank, under pain of forfeiture of all stock so held to and for the use and benefit of the said bank.

Repealing
clause.

SECT. 3. *And be it further enacted by the authority aforesaid,* That so much of any act of assembly as is hereby altered or supplied, be and the same is hereby repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 54.

AN ACT

Authorising the Governor to incorporate the West Chester rail-road company.

Commission-
ers to open
books, &c.

Three may
act.
Form of sub-
scription.
\$50 per share.

Notice to be
given.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph Hemphill and Thomas P. Cope, of the city of Philadelphia, Thomas H. Brinton, of the county of Delaware, Joshua Evans, Thomas Ashbridge, Ezra Cope, John W. Townsend and Thomas Williamson, of the county of Chester, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they or any three of them, shall procure a sufficient number of suitable books, and in each of them enter as follows, viz. "We, and each of us, whose names are hereunto subscribed, do promise to pay to the directors of the West Chester rail-road company, the sum of fifty dollars for every share of stock set opposite our respective names, and by us respectively subscribed, in such manner and proportions and at such times and places as shall be determined and directed by the said directors, in pursuance of an act entitled "An act authorising the Governor to incorporate the West Chester rail road company." Witness our hands the day of Anno Domini, one thousand eight hundred and thirty ;" and shall thereupon, give at least twenty days previous, public notice in four newspapers printed in the county of Chester, and in two of the daily papers printed in the city of Philadelphia, of the times when and places where some one or more of

the aforementioned commissioners will attend, and receive subscriptions from all persons of lawful age, who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of three days, or until there shall be subscribed in the said books two thousand shares; and if at the expiration of three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, then the said commissioners, at their discretion, may adjourn from time to time and transfer the books elsewhere, until the whole number of shares aforesaid shall be subscribed; of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may to them seem to require. But no subscription shall be valid, unless the person so subscribing shall pay to the said commissioners, at the time of making the same, the sum of five dollars on each share, for the use of the company.

Whole No.
2000 shares.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if more than two thousand shares shall be subscribed in the time specified in the first section, to the capital stock of the said company, the said commissioners, or a majority of them, shall reduce the subscription to two thousand shares, by striking off from the largest number of shares in succession until the subscriptions shall be reduced to two thousand shares, or each of the subscriptions to one share; and if there shall be still an excess, then lots shall be drawn by the commissioners to determine who shall be excluded.

Arrangement
for a fair dis-
tribution of
stock.

SECT. 3. *And be it further enacted by the authority aforesaid,* That when one thousand shares or more shall be actually subscribed, and five dollars on each share paid to said commissioners, the said commissioners, or a majority of them, shall certify the same under oath or affirmation to the Governor of this commonwealth; and on the receipt of such certificate, the Governor shall by letters patent under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body corporate and politic, in deed and in law, by the name, style and title of "the West Chester rail-road company;" and by the same name, the subscribers shall have perpetual succession, and all the privileges, franchises and immunities incident to a corporation, may sue and be sued, implead and be impleaded in all courts of record and elsewhere, may purchase, receive, have, hold and enjoy, to them and their successors and assigns, lands, tenements and hereditaments, goods, chattels and all estates, real, personal and mixed, of what kind or quality soever; and the same from time to time may sell, mortgage, grant alien and dispose of, and make dividends of such portions of the profits as they may deem proper; and also, may

When 1000
shares are sub-
scribed & \$5
paid on each
share, charter
may issue.

the Style.

Rights, pow-
ers, &c.

Proviso.

No banking
privileges, &c.

make and have a common seal, and the same alter or renew at pleasure; and generally, may do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering of the affairs and business of the same: *Provided*, That nothing herein contained shall be so considered and construed as giving to the said corporation any banking privileges, or any other liberties, privileges or franchises, but such as may be necessary or incident to making and maintaining the said rail road; and to the conveyance of passengers, and the transportation of goods, merchandize and commodities thereon.

Annual election
of 7 directors.

Appointment
of president.

SECT. 4. And be it further enacted by the authority aforesaid,

That for the management of the affairs of the said corporation, seven directors shall be elected by ballot, annually, by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorised; which directors shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors be elected; and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as may be necessary for the well ordering of the affairs of the said company: *Provided*, That none but stockholders shall be eligible to be elected directors; and that at every such election, and in all other cases in which the stockholders shall be called upon to vote, each share of stock shall be entitled to one vote; and also, that in all cases of elections for directors, the seven stockholders having the greatest number of votes shall be declared duly elected.

Proviso.

Directors
must be stock
holders.

One vote each
share, &c.

SECT. 5. And be it further enacted by the authority aforesaid,

That no share of stock shall be entitled to a right of suffrage, which shall not have been held three calendar months prior to the day of election; nor unless it shall be held by the person in whose name it appears absolutely, and bona fide, in his own right or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in trust for the use and benefit of any other person, that no share or shares held by transfers shall be entitled to vote, unless the same shall have been transferred at least three months before the election; and no share or shares shall be entitled to vote at any election or at any general or special meeting of the said company, on which any instalment or arrearages may have been due and payable more than twenty days previously to the said election or meeting; and that all votes by proxy, shall be upon such terms and conditions as are prescribed by the act passed the twenty-eighth day of March, in the year one thousand eight

Shares must
have been
held 3 months
prior to elec-
tion.

Delinquents
not to vote.

Votes by
proxy.

hundred and twenty, entitled "An act to regulate proxies:" *Provided*, That all proxies shall be dated within sixty days of the election, at which the same shall be presented. *Proviso.* Date within 60 days.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the aforesaid commissioners, or a majority of them, shall as soon as practicable after the said letters patent shall have been obtained, give at least fifteen days previous public notice in the newspapers herein before mentioned, of the time and place by them appointed for the subscribers or stockholders to meet, for the purpose of electing seven directors, as provided for in the preceding sections; and that annually thereafter, the said stockholders shall meet on the third Monday in January, for the purpose of electing directors as aforesaid, upon a like previous notice to be given by the directors for the time being, in such newspapers as they may deem advisable: *Provided*, That if from any cause such election shall not be held at the time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election be held, the directors of the preceding year shall continue to act; and that this charter shall not be avoided by reason of the irregularity or want of such election: *And provided also*, That in case of any vacancy, from death or resignation, of any director his place shall be filled by the board of directors. *Organization of company.* *Time of annual election.* *Proviso.* Neglect not to dissolve. *Vacancies.*

SECT. 7. *And be it further enacted by the authority aforesaid*, That the said directors shall meet at such times and places, and be convened in such manner as they may hereafter agree upon, four directors shall be a quorum for the transaction of business, who, in the absence of the president, may appoint a president, pro. tem. The said directors shall appoint a secretary, treasurer and such engineers and other officers as they may find necessary; shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to ascertain and decide the time, manner and proportions in which the stockholders shall pay the money due on their respective shares; and to forfeit to the use of the company, the share or shares of every person failing to pay any instalment, so required; to regulate tolls, to make such covenants, contracts and agreements, with any person, co-partnership or body politic, whatsoever, as the execution and management of the works and the convenience and interests of the company may require; and in general to superintend and direct all receipts, disbursements and other affairs and proceedings of the company. *Meetings of directors.* *4 a quorum.* *Directors to appoint secretary, treasurer, &c.* *To call in instalments, &c.*

SECT. 8. *And be it further enacted by the authority aforesaid*, That the directors first chosen, as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she shall subscribe for or hold in the said corporation, signed by the president, countersigned by the treasurer, and *Certificates of stock.*

Transferable. sealed with their common seal; subject, however, to all the payments due and to grow due thereon; which stock shall be transferable in person, or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided by the by-laws

Annual statement of directors. *SECT. 9. And be it further enacted by the authority aforesaid,* That at each annual meeting of the stockholders, the directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year; and that special meetings of the stockholders may be called, by order of the directors or by stockholders holding one fourth in amount of the capital stock, on like notice as that required for annual meetings; specifying, moreover, the object of the meeting; but no business shall be transacted at such special meeting, unless a majority, in value, of the stockholders shall attend in person or by proxy.

Meetings of stockholders.

More than half the stock must be represented.

Right of construction. *SECT. 10. And be it further enacted by the authority aforesaid,* That the said company be and they are hereby authorized, as soon as they conveniently can, to locate and construct a rail road, of one or more tracks, from the borough of West Chester to a convenient point on and connecting with the Pennsylvania rail road, and to make, construct and erect such ware houses, toll houses, carriages, cars and all other works and appendages, necessary for the convenience of the said company, in the use of the said rail road.

Right to enter upon lands to locate, and lands for the purpose of exploring, surveying and locating materials. *SECT. 11. And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of the said rail road, doing thereto no unnecessary damage; and when the said route shall be determined by the said company, it shall be lawful for the said company, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such land, and also to take from any land in the neighborhood, gravel, stone, wood and other materials, for the purpose of constructing and maintaining such rail road, subject however to such compensation, as the said company may have agreed to pay therefor, or as shall be ascertained, in manner hereinafter respectively directed.

Compensation for damages.

In case of non agreement. *SECT. 12. And be it further enacted by the authority aforesaid,* That when the said company cannot agree with the owner or owners of such required land, for the purchase thereof, or for the damages sustained by such owner or owners, or as to the compensation to be paid to the owner or owners of any sand, gravel, stone, wood, or other material, taken for the purpose aforesaid, or where, by reason of legal incapacity or absence, of any such owner or owners, no such agreement or purchase can be made, the court of Common Pleas for the proper county, on application thereto by or on

behalf of either party, and at the costs and charges of said company, shall nominate and appoint twelve discreet and disinterested persons of the said county, and shall issue a precept to the sheriff of the said county, to summon the said twelve persons to meet on the land so required, or from whence the said materials shall or may be taken, at a day, to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the sheriff, upon receiving the said warrant, shall forthwith summon the said twelve persons, and shall give at least eight days notice to the respective parties; and the said sheriff shall attend at the time and place named in the warrant, and when nine or more of the said persons shall have appeared, shall, in the case of land so required, administer to each of them an oath or affirmation, "that he will faithfully, justly and impartially value the land occupied or required for such rail-road or other works, and all damages which the owner or owners shall sustain or may have sustained by reason of the construction of the said rail-road and other works, taking into consideration, the advantages as well as the disadvantages of the same to the said owner or owners, according to the best of his skill and judgment, and in the case of materials taken for the purpose aforesaid; that he will faithfully, justly and impartially value the materials so taken, and fix the rate of compensation to be paid therefor, by the said company to the said owner or owners, taking into consideration the advantages as well as the disadvantages arising from the construction of such rail-road and other works, to the said owner or owners, according to the best of his skill and judgment;" whereupon, the said persons shall proceed to view the land so required, or the place from whence such materials shall or may be taken, as the case may be, and to hear the evidence of the respective parties, and their verdict, signed by the sheriff and at least seven of the jury, shall be returned by the sheriff, within five days thereafter, to the prothonotary of the said county, who shall file the same: and the said sheriff and persons shall be entitled to the like fees for their respective services, as are allowed to the execution of an order issued by the Orphans' Court, for the valuation of lands of an intestate, under the intestate laws of this commonwealth.

12 viewers to be appointed.

To be summoned by sheriff.

Their oath.

Duties.

Verdict.

Fees.

SECT. 13. *And be it further enacted by the authority aforesaid,* That either party shall be at liberty to make exceptions, to any verdict rendered according to the provisions of the preceding section, within twenty days after the same shall be returned and filed by the Prothonotary, as aforesaid; which exceptions shall be heard by the court of common pleas of the proper county, who may either affirm or set aside the same, as shall be lawful and right; and if no such exceptions be filed within twenty days, or if any verdict be affirmed, then the verdict shall stand as a judgment against

Right of appeal within 20 days from filing of verdict.

Proviso. the party against whom it is given; but if any such verdict be set aside by the court, a new precept shall issue to the sheriff, in the manner before specified: *Provided*, That upon the subsequent proceedings, if the party excepting does not recover a verdict more favourable than the verdict so excepted to and set aside, such party shall pay all costs of such subsequent proceedings.

Appellant may be liable for costs.

Erection of passages or causeways.

SECT. 14. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient passages across the said rail road, where any public roads shall intersect and cross the same, so that the passage of carriages, horses, persons and cattle along the said roads shall not be obstructed, and also where the said rail-road shall intersect any farm, to provide and keep in repair a suitable passage for the use of said farm.

Road to be a highway.

SECT. 15. *And be it further enacted by the authority aforesaid*, That on the completion of the said rail-road, the same shall be esteemed a public highway, for the conveyance of passengers and transportation of merchandize and commodities, under such regulations as shall be prescribed by the directors; and it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls of persons and property, as they shall from time to time think reasonable: *Provided*, That the toll on any species of property shall not exceed eight cents per ton per mile, nor upon passengers more than four cents each per mile.

Tolls.

Limited.

Penalty on passing toll house without paying.

SECT. 16. *And be it further enacted by the authority aforesaid*, That if any owner or driver of any car, carriage, wagon or conveyance, upon the said rail-road, shall pass by any place appointed for receiving tolls, without making payment thereof, with intent to defraud the said company, he, she or they so offending shall forfeit and pay, for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts under one hundred dollars may be sued for and recovered, together with costs of suit.

How recovered.

Dividends to be declared semi-annually.

Not to exceed nett profits.

Directors liable for impairing capital.

SECT. 17. *And be it further enacted by the authority aforesaid*, That dividends of so much of the profits of the company, as shall appear advisable to the directors, shall be declared at least twice a year, and paid to the stockholders or their legal representatives, on demand, at any time after the expiration of ten days therefrom; but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; and if the said directors shall make any dividends which shall impair the capital stock of the said company, those of them consenting thereto shall be liable, in their individual capacities, to the said company, for the amount of

the stock so divided; and each director present when such dividend shall be made shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice thereof to the stockholders, at the declaring such dividend: *Provided*, No dividend shall exceed twelve per cent. per annum, nor shall the contingent fund of the said company, at any time exceed one fourth of their capital stock.

Entry of protest.
Proviso.
Dividend not to exceed 12 per cent. nor contingent fund one fourth of capital.

SECT. 18. *And be it further enacted by the authority aforesaid*, That no suit or action shall be brought or prosecuted by any person or persons for any penalties incurred under this act, unless such suit or action shall be commenced within one year next after the offence shall have been committed, or the cause of action shall have accrued; and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Suits must be commenced within one year.

SECT. 19. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully and knowingly break, injure or destroy the rail-road, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company, in pursuance of this act, or shall in any manner obstruct the free passage along the said rail-road, he, she or they, shall forfeit and pay to the said company the actual damage thereby sustained, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the company.

Penalty on wilfully injuring works of company.

How recovered.

SECT. 20. *And be it further enacted by the authority aforesaid*, That if the said company shall not carry into effect the objects of their charter within the term of ten years, from the passing of this act, or if after the completion of the said rail-road, the said corporation shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

Time of completion.

Forfeiture of charter for neglect.

SECT. 21. *And be it further enacted by the authority aforesaid*, That if said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to said company.

Reservation of right to resume privileges.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 55.

A SUPPLEMENT

To the act, entitled "An act authorising the Governor to incorporate a company to make an artificial road, commencing where the Schuylkill canal road intersects the Ridge turnpike road, near Robinson's mill, thence along the bed of said road to the Flat Rock bridge."

Manayunk
and Flat Rock
company au-
thorised to
make a cer-
tain road.

Route.

Proviso.
Damages how
settled.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of finishing the turnpike road, commencing where the Schuylkill canal road intersects the Ridge turnpike road, near Robinson's mill, and thence to the Flat Rock bridge, the president, managers and company of the Manayunk and Flat Rock turnpike road are hereby authorised and empowered to make the said turnpike road, commencing where the Schuylkill canal road intersects the Ridge turnpike road, near Robinson's mill, through Manayunk, to Flat Rock bridge, taking such route and course as the said president, managers and company of the Manayunk and Flat Rock turnpike road shall deem best and most proper, without regard to the old bed of the present road: *Provided nevertheless,* That if the said turnpike road shall be carried through any land, whereby the owner shall receive damage, the person and persons who sustain such damage shall be indemnified for the same by the said president, managers and company of the Manayunk and Flat Rock turnpike road; and the said damages, so sustained, shall be viewed and adjudged as by law is directed in cases of public roads and highways.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The eighteenth day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 56.

AN ACT

To extend the charter of the "Farmers' bank of Reading."

Charter ex-
tended ten
years from
May, 1833.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled "An act to re-charter certain banks," approved the twenty-fifth day of March, one thou-

sand eight hundred and twenty-four, be and the same is hereby extended for and during the term of ten years, from and after the first Wednesday in May, one thousand eight hundred and thirty-three, so far as the provisions of said act relate to the Farmers' bank of Reading: *Provided nevertheless*, That said bank shall be subject to such alterations, provisions and restrictions as the legislature may at any time hereafter think proper to enact for the better regulating of the banking institutions of this commonwealth; and also, to all requisitions as to a bonus or premium, to be paid to the commonwealth as a consideration for the privileges herein granted, as now by law are demanded, or as the legislature may at any time hereafter demand.

Proviso. - To be subject to restrictions, requisitions, &c.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-third day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 57.

AN ACT

Authorising the Governor to incorporate a company for making a turnpike road from the borough of Muncy, through Hillsgrove and Eldredville, in Lycoming county, to intersect the Berwick and Newtown turnpike, at or near Towanda creek, in Monroe township, Bradford county.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Eliphalet Mason, Frederick Fisher and Timothy H. Lewis, of Bradford county, John P. Schuyler, Thomas Taggart, John C. Hill and John Montgomery, Jr. of Lycoming county, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall on or before the first day of July next, procure two books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Muncy and Monroe turnpike road company, the sum of twenty dollars for every share of stock in said company set opposite

Commissioners named to open books.

Form of subscription.

\$20 per share.

to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act authorising the Governor to incorporate a company for making a turnpike road from the borough of Muncy, through Hills Grove and Eldredville, in Lycoming county, to intersect the Berwick and Newtown turnpike, at or near Towanda creek, in Monroe township, Bradford county.' Witness our hands the day of in the year of our Lord one thousand eight hundred and ;" and thereupon shall give notice in two or more of the public papers printed nearest the route of the said road, for twenty days at least, of the times and places, when and where the said books shall be opened to receive subscriptions for the stock of the said company; at which times and places, one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said books, in their own names or in the name or names of any other person or persons who shall duly authorise the same, for any number of shares of the said stock; and the said books shall be kept open, respectively, for the purpose aforesaid, at least six hours in every juridical day for the space of six days, or until the said books shall have one thousand shares therein subscribed; and if at the expiration of the said six days, the books aforesaid, or either of them, shall not have the said number of one thousand shares therein subscribed, the commissioners respectively may adjourn from time to time, and transfer the said books from place to place until the whole number of shares shall be subscribed; of which adjournments and transfers, the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed, shall amount to one thousand, the same shall be closed: *Provided always*, That every person offering to subscribe in said books in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of two dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

Whole No. of
shares 1000.

Proviso.

\$2 to be paid
on each share
at the time of
subscribing.

When 20 per.
sons take 150
shares char-
ter may issue.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when twenty persons or more shall have subscribed one hundred and fifty shares of the said stock, the said commissioners, respectively, may, or, when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Gover-

nor of this commonwealth, and the sum of two dollars paid on each share; whereupon, it shall and may be lawful for the Governor, by letters patent under his hand and seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "the president and managers of the Muncy and Monroe turnpike road company;" and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in two of the public papers printed nearest the route of the said road, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorised, one president, six managers, and one treasurer to conduct the business of said company for one year, and until such other officers be chosen; and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company: *Provided always,* That no person shall have more than eight votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under that number.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be lawful to and for the said president and managers, their superintendents, surveyors, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said

Style.

Privileges and liabilities

Organization of corporation.

President six managers, and treasurer.

By-laws, &c.

Proviso.

One vote each share up to 8.

Right to enter enclosures, to locate and procure materials.

Placed on
footing of
Hanover and
Berlin com-
pany.

Dimensions,
materials,
construction
&c. of road.

Scale.

Bridges.

Time of com-
mencement
and comple-
tion.

intended turnpike road may be thought proper to pass, and examine the ground most proper for the purpose, as well as the materials in the vicinity that may be necessary in making and constructing the said turnpike road; and to survey, lay down, ascertain, mark and fix such route or track for the said road as in the best of their skill and judgment will combine shortness of distance, with the most practicable ground; and generally, they shall have like powers, authorities and privileges necessary for carrying on and completing the said turnpike road; and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures; and be entitled to like tolls and profits in proportion to the distance as are given and granted to the president and managers of the Hanover and Berlin turnpike road company.

SECT. 5. And be it further enacted by the authority aforesaid, That the president and managers of the said road shall make or cause the same to be made not less than thirty nor more than sixty feet in width, and at least twenty-five feet thereof shall be made an artificial road, in the following manner, to wit: all the timber shall be taken out by the roots and removed from the road; it shall be well and sufficiently ditched, so as to carry off the water, and to keep the road in its foundation firm and dry; it shall be constructed of firm and substantial materials, composed of wood, gravel, stone, slate, sand or other hard substance, such as the nature of the ground along which the road may pass will admit of, so as to secure a solid foundation, a smooth and firm surface, and a well made permanent highway, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line; and the said president and managers shall erect permanent bridges, with sufficient stone abutments and piers over all the streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair.

SECT. 6. And be it further enacted by the authority aforesaid, That if said company shall not proceed to carry on said work within three years after passing this act, or shall not within eight years thereafter complete the same according to the true intent and meaning of this act, then, or in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted, shall revert to the commonwealth.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twenty-third day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 58.

AN ACT

Authorising William Sill and Joseph M. Bishop, of Bradford county, to erect a dam in the river Susquehanna.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Sill and Joseph M. Bishop, of Bradford county, be and they are hereby authorised to erect and their heirs and assigns to maintain, a dam in the North Branch of the Susquehanna river, in the township of Monroe, in said county, at the place where they have erected a saw mill, to extend from the western shore of said river to an island directly opposite, commonly called Ackley's island: *Provided,* That the said dam shall in no wise injure or impede the free navigation of the river, or interfere with the construction of the North Branch canal: *And provided further,* That neither the said William Sill or Joseph M. Bishop, or either of them, or their heirs, executors, administrators or assigns, shall be entitled to demand or receive from this commonwealth, any damages whatever, for injuries which may hereafter be done, any buildings or works, which may be erected under the authority of this act, by the public works of the state.

Dam on the N. Branch.
Proviso. Not to impede navigation.
Builders precluded from future claim to damages.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twenty-third day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 59.

AN ACT

To erect the town of Mercersburg, in the county of Franklin, into a borough.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Mercersburg, aforesaid, shall be and the same is hereby erected into a borough, which shall be

Borough
limits.

called the borough of Mercersburg, which borough shall be comprised within the following boundaries, to wit: beginning at a corner on lands of Robert Smith, Esq. thence south eighty-eight degrees and one half, east sixteen perches; thence south sixty-seven degrees, west twenty-five perches, south fifteen degrees, west fifty-six and one fourth perches, south twenty-one and one fourth degrees, west twenty-eight perches to lands of Michael Sellers; thence by lands of said Sellers and Creamer, south eighty degrees, east thirty perches; thence by lands of said Creamer, south seven degrees, west twenty-six perches to lands of John Brawnson, Esq.; thence north eighty-eight degrees and one half, east thirty-eight perches, south forty-one degrees, east thirty-eight perches, north one degree and one half, east three and one half perches, south eighty-eight degrees and one half, east five perches and six tenths to lands of William M'Kinstry, Esq.; thence north one degree and one half, west one hundred and fourteen perches, north eighty eight and one half, east five perches and six tenths, north one degree and one half, west twenty perches, north forty-three degrees, east seventeen and one half perches to lands of Adam Hoak; thence by same, north seventy-five degrees, west eight perches, north eighty-five degrees, west thirty and one half perches; thence by lands of Robert Smith, south eighty-eight degrees and one half, west seventeen perches; thence south one and one half degrees, east nine perches, to the place of beginning.

Annual elec-
tion of offi-
cers.

Burgess,
council and
constable.

Mode of con-
ducting elec-
tion.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in said borough six months previous to any election, to meet at the usual place of holding the elections in said borough, on the third Saturday in March, in each and every year, and then and there elect by ballot, between the hours of twelve at noon and six o'clock in the evening, one reputable citizen residing therein, who shall be styled the Burgess of said borough, and five reputable citizens residing therein, to be a town council; and shall also elect, as aforesaid, one reputable citizen as high constable; but previously to such election, the inhabitants entitled to vote, shall elect three reputable citizens, one of whom shall preside as judge, one as inspector, and the other discharge the duty of clerk, according to the general election law of this commonwealth, so far as it relates to receiving and counting votes, and shall be subject to the same penalties for malpractices as by the said election laws are imposed; and the said judge, inspector and clerk, before they enter on the duties of their respective offices, shall take an oath or affirmation before a justice of the peace in the county of Franklin, to perform the same with fidelity; and shall hold the said elections from time to time as occasion may require, and receive and count the ballots, and

declare the persons having the greatest number of votes to be duly elected; whereupon, duplicate certificates thereof shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to the prothonotary's office of said county, and the other filed among the records of the corporation for their safe keeping; and if two or any greater number of persons have an equal number of votes for any of the said offices, or if any election shall be disputed upon other principles, the said return shall be laid before the judges of the court of common pleas of said county, at the term next ensuing the said election, who upon examination into the same, shall determine which of the said persons shall fill the said office; and in case of vacancy by death, resignation, refusal to accept or removal from the said borough of any of said officers, or if said election shall not be held on the day appointed in this act, the first named of the town council shall issue his precept, directed to the constable of said borough, requiring him to hold an election to supply such omission or to fill such vacancy, he giving at least ten days notice by advertisements put up at four of the most public places of said borough.

Court of common pleas to decide election questions

Vacancies from any cause.
How filled.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the burgess and town council, duly elected as aforesaid, and their successors forever, shall be one body politic and corporate in law, by the name of the burgess and town council of the borough of Mercersburg, and shall have perpetual succession; and the said burgess and town council aforesaid, and their successors forever, shall be capable in law to have, get, receive, hold and possess, lands, tenements, rents, liberties, jurisdiction, franchises and hereditaments to them and their successors, in fee simple, or otherwise, all goods, chattels and other things of what nature and kind soever, not exceeding the yearly value of one thousand dollars; and also, to have, grant, let, sell and assign the same lands, tenements, hereditaments, rents, goods and chattels; and by the name aforesaid, they shall be capable in law, to sue and be sued, plead and be impleaded, in any of the courts of this commonwealth, in all manner of action whatsoever; and to have and use one common seal, and the same from time to time, at their will, to change and alter.

Powers, privileges &c. of corporation.

Seal.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person duly elected as aforesaid, having been notified in writing, which notice it shall be the duty of the clerk of the election, to give within three days after the same shall refuse or neglect to take upon himself the duties of the office to which he shall have been elected, every person so refusing or neglecting shall forfeit and pay ten dollars, which said sum and all fines and forfeitures incurred and made payable, in pursuance of this act or by the by-laws and

Penalty on persons elected refusing to serve.

How recovered and appropriated. To serve only 1 year in 3. ordinances of the burgess and town council, shall be for the use of said corporation, to be recovered as debts of equal amount are or may be by law recoverable; but no person shall be compelled to serve more than one year in any term of three years.

Oaths of office. *SECT. 5. And be it further enacted by the authority aforesaid,* That the burgess, town council and constable, and each of them, shall take an oath or affirmation before any judge or justice of the peace of the said county, to support the constitution of the United States and of this state, and well and truly to execute the duties of their respective offices, in the borough of Mercersburg; and the certificate of such oath or affirmation shall be recorded in the books of said corporation.

Duties of burgess and council. *SECT. 6. And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the burgess and town council, to meet as often as occasion may require, and enact such by-laws and make such rules, ordinances and regulations, assess, apportion and appropriate such taxes as shall be determined by a majority of them necessary, to promote the peace, good order, benefit or advantage of said borough; and also, to appoint a town clerk and such other officers as may be deemed necessary by the said burgess and town council; but no by-law, rule or ordinance, enacted as aforesaid, shall be repugnant to the constitution and laws of the United States and of this state; and no person shall be punished for a breach of any by-law or ordinance enacted for the regulation of the said borough of Mercersburg, unless a true copy thereof be set up at three of the most public places in said borough; and no by-law or ordinance shall be carried into operation in less than three weeks after such publication: *Provided nevertheless,* That no tax shall be laid in any one year on the valuation of taxable property exceeding one cent in the dollar; said burgess and town council shall proceed to assess the same as aforesaid.

Town clerk.

Proviso.

Tax limited.

Collection of taxes. *SECT. 7. And be it further enacted by the authority aforesaid,* That the burgess elected, agreeably to this act, is hereby authorised and empowered to issue his precept, directed to the constable of said borough, commanding him to collect all taxes assessed from time to time as aforesaid, and all fines and forfeitures that may become due by virtue of this act or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer to be appointed by the said burgess and town council, and to carry into effect whatsoever is enjoined on him for the well ordering and governing the said borough.

Duties of burgess. *SECT. 8. And be it further enacted by the authority aforesaid,* That the burgess shall be and is hereby required to cause the by-laws, rules, ordinances and regulations made as aforesaid, to be recorded in a book to be kept for that purpose, and he shall carry the same into full execution without

delay, after the publication thereof, as directed by this act; and it shall be the duty of the town clerk to attend all meetings of the burgess and town council, when assembled on business of the corporation, and perform the duty of clerk thereto; and keep and preserve the common seal, records, papers and other documents relating to the said corporation; and in default, he shall be answerable to any person concerned, for all damages, and may be removed from office by the burgess, on complaint of a majority of the council: *Provided always*, That if any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, he, she or they may appeal to the next court of quarter sessions to be held for the proper county, on giving security according to law, to prosecute his, her or their appeal with effect, which court shall take such order therein as shall be just and reasonable, which order or judgment shall be conclusive against all parties.

Of town clerk

Proviso.

Right of persons aggrieved to appeal.

SECT. 9. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the town clerk and all officers appointed by the burgess and town council, to render their accounts to the said burgess and council once in every year, which being settled and adjusted by the said burgess and council, shall be published, showing particularly the amount of taxes levied, fines collected, and of all receipts and expenditures which shall have been made.

Annual settlement of accounts.

SECT. 10. *And be it further enacted by the authority aforesaid*, That in all meetings held under this law, or the by-laws enacted in pursuance of the same, it shall be the duty of the burgess to preside, or in his absence the member who may be then present of the town council first named in the return of the election; and it shall be the duty of the officers of the election, to name in their return the persons who may be elected, according to the number of votes which each may have, placing first in the return the name of the person who has the greatest number of votes, and so on; and if any of the persons elected, shall have an equal number of votes, then the officers of the election shall decide by lot which of them shall first be named.

Presiding officer of council.

SECT. 11. *And be it further enacted by the authority aforesaid*, That in the absence from the borough, or inability of the burgess, it shall be the duty of the first named of the town council, who may be present, to perform the duties which are enjoined on the burgess by this act, or which may be enjoined by the by-laws which may be passed in pursuance of the same.

In absence, &c. of burgess

SECT. 12. *And be it further enacted by the authority aforesaid*, That in any meeting of the burgess and town council, it shall require at least four to form a quorum to transact business.

4 a quorum

Citizens to
vote with
townships at
general and
electoral elec-
tions.

SECT. 13. *And be it further enacted by the authority aforesaid,* That in the general or electoral elections, the citizens of the said borough shall not be separated from the citizens of Montgomery and Peters townships, nor in any measure preparatory thereto, but shall remain connected with said townships as they have been heretofore.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 60.

AN ACT

To compel the attendance of witnesses upon rules and commissions to take depositions.

Persons named in rule or commission under \$100 laws. May issue subpoenas requiring attendance under penalty of \$100.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where a commission shall be issued from, or a rule be taken in any court of record in this commonwealth, or from any justice of peace or alderman, under the act entitled "An act to amend and consolidate with its several supplements the act entitled An act for the recovery of debts and demands not exceeding one hundred dollars, before a justice of peace, and for the election of constables, and for other purposes," and of the supplement thereto, passed on the 30th day of March, 1829, for the examination of witnesses, it shall be competent for the person or persons named in, or authorised by such commission or rule, to issue subpoenas to such witnesses as may be requested by any of the parties concerned, requiring their attendance at a certain day, hour and place therein designated, having regard to the distance of such witnesses, and under a penalty not exceeding one hundred dollars.

To issue process in case of non attendance.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in case of the non attendance of any such witnesses, it shall be lawful for such commissioner, or person or persons, duly authorised as aforesaid, on proof by oath or affirmation, of the due service of the subpoena, to issue process of attach-

ment against the defaulting witness; whereupon the same proceedings shall be had as are used and allowed in like cases in the courts of record in this commonwealth.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the party injured by such non attendance, shall also be entitled to the same remedies at law, against the person subpoenaed as are provided when a subpoena is issued from a court of record. Remedy for party injured by non attendance.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if the person subpoenaed shall attend, but refuse to testify, he shall be liable to the same proceedings on the part of the commissioners or persons authorised as aforesaid, as if he had appeared and refused to testify in a court of record. Witness refusing to testify, liable as in court.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 61.

AN ACT

Authorising compensation to Jacob S. Spang and David Sink, for damages done by certain state roads.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That on the written application of Jacob S. Spang, On J. S. Spang's application, court to appoint six viewers. of the township of Oley, in the county of Berks, if the same shall be made within one year after the passage of this act, the judges of the court of quarter sessions of the said county, are hereby authorised and required to appoint six disinterested men to view and adjudge the amount of the damages, if any, sustained by the said Jacob S. Spang, in consequence of a state road leading from Orwigsburg, in Schuylkill county, to Stetler's tavern, in the county of Montgomery, passing through the county of Berks, having been laid out and carried through the land of the said Jacob S. Spang, situate in Pike township, in the county of Berks; and if the said viewers, or any five of them, after ten days notice thereof given to the commissioners of Berks county, shall view the said land,

When they or any four agree on damages, to report to court for approval. Commissioners to draw on treasurer for amount.

Advantages of road to be considered.

Oath of viewers.

To be filed.

Same proceedings authorised in the case of D. Sink.

and any four of them shall agree as to the amount of damages sustained, the said viewers so agreeing, shall make a report of their proceedings to the next court of quarter sessions of Berks county, and if the said court shall approve of the same, the commissioners of the said county shall draw their warrant on the treasurer of the same county, in favor of Jacob S. Spang, for the amount so awarded to him; but if the viewers shall neglect to perform the duties required of them, or if the said court shall disapprove of their report, they shall as often as the case may require, appoint other viewers, who shall proceed therein in manner aforesaid; and it shall be the duty of the said viewers, in assessing damages, to take into consideration the advantages derived by said Jacob S. Spang, from said road passing through his land; and before entering on the duties herein prescribed, they shall take and subscribe an oath or affirmation before some judge or justice of the peace, faithfully and impartially to perform the same, which oath or affirmation, so taken and subscribed, shall accompany their proceedings and be filed in the office of the clerk of the court of quarter sessions of Berks county.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the same proceedings as are authorised by the first section of this act, are hereby extended to and may be had by David Sink, of the township of Robison, in said county of Berks, for damages alleged to have been sustained by a certain state road opened through his land, leading from Waynesburg, in Chester county, to Birdsborough, in Berks county.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 62.

AN ACT

Enabling Eliza Gardiner to execute certain powers without the intervention of her present husband.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Eliza Gardiner, now the wife of John Gardiner, late Eliza Hamilton, widow and executrix of Andrew Ham-

ilton, deceased, shall, notwithstanding her coverture, have power and authority from time to time, and at all times, without the joinder or intervention of her husband, by herself or by such attorney or attornies as she has before or during her present coverture appointed, or as she may hereafter appoint, to sell and convey, in fee simple, either for cash or on credit, such part or parts of the real estate of the said Andrew, as she may deem expedient. which by his last will and testament, the executors are authorised to dispose of and to convey the same in fee simple, to the purchaser and his heirs: *Provided*, That all rents reserved on any sales of the said estate, shall be reserved, payable to the said Eliza and her heirs, in trust for the uses and purposes in and by the last will and testament of the said Andrew declared, of and concerning his estate: *And provided also*, That in all cases where sales or dispositions are made reserving a ground rent or ground rents, so much of the rent reserved as shall be equal to one half the entire consideration shall be irredeemable until Mary Ann Hamilton, daughter of the said Andrew Hamilton, deceased, shall have arrived at the age of twenty-one years; or if sooner redeemable, shall not be redeemed without satisfactory security given in the orphans' court of Philadelphia county, that the redemption money shall be faithfully appropriated, according to the directions of the last will and testament of the said Andrew Hamilton, deceased: *And provided also*, That in cases where no rents shall be reserved, satisfactory security shall in like manner be given, at least one half of the amount of the consideration, that the proceeds of sale shall be faithfully appropriated, according to the directions of the said last will and testament.

E. Gardiner
may sell and
convey estate
of late A.
Hamilton.

Proviso.

Reserved
rents payable
to her in trust.

2d proviso.

Redemption
of reserved
ground rents
restricted.

3d proviso.

Security to be
given for cer-
tain appropri-
tion of half of
proceeds of
sales.

SECT. 2. *And be it further enacted by the authority aforesaid.* That the offices of executrix of the last will and testament of the said Andrew Hamilton, and of testamentary guardian of his infant daughter, therein named, shall be held and exercised, by the said Eliza Gardiner in all respects and for every intent and purpose, as if she had continued sole and unmarried, without the participation or intervention of her present husband therein, and without his joinder in any suit, action, demand, recovery, execution, distress, entry, receipt, settlement, adjustment, acquittance, discharge, or other act, matter or thing which she may do or cause to be done in or about the premises.

Powers as ex-
ecutrix and
guardian to
remain same
as if unmar-
ried.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 63.

AN ACT

Authorising the executors of Peter Beisel, deceased, to convey certain real estate.

Preamble.

WHEREAS, Peter Beisel, late of Allen township, in the county of Northampton, by his last will and testament, directed his executors to lease out his real estate during the lifetime of his wife, and if necessary, to mortgage the same for the payment of his debts, and as soon after the death of his wife as convenient, to sell and convey the same to such person or persons, at such time or times, and for such price or prices as they should agree. And since the decease of the said Peter Beisel such circumstances have occurred as to induce the widow and legatees to believe that it was more advisable to make sale of the said real estate, and to secure the privileges and income given by the said will to the widow of the said Peter Beisel, deceased, during her life: In pursuance whereof, the executors of the said last will and testament did on the sixteenth day of October last, past, sell a certain tract of land, late of the said deceased, situated partly in Allen township, in the county of Northampton, and partly in Hanover township, in the county of Lehigh, containing two hundred and forty-five acres and seventy-six perches, to George Breinig, for the sum of fifty dollars twelve and a half cents per acre; and a certain tract of woodland situated in Moore township, in the said county of Northampton, containing thirteen acres and three perches, to Adam Lawbach, for the sum of thirteen dollars eighty-five cents per acre, and it has been discovered by the parties interested since the said sales, that under the existing laws of this commonwealth, the said executors have no authority to convey the said estate:

Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Owen Rice and Jacob Beisel, executors of the last will and testament of Peter Beisel, late of Allen township, in the county of Northampton, deceased, be and they are hereby authorised to grant and convey to George Breinig and to Adam Lawbach, and their respective heirs and assigns, the tracts of land late the estate of the said deceased, by them respectively purchased, at a public sale, held on the sixteenth day of October last, past, on their severally complying with the conditions of sale, so as to convey all the estate which the said Peter Beisel, deceased, had therein at the time of his death to the said purchasers, respectively,

Executors of Beisel's estate authorised to convey to G. Breinig and A. Lawbach certain tracts of land.

and their respective heirs and assigns. And it shall be the duty of the said executors, to secure in the said tract so sold to George Breinig, or on other sufficient real security, by bond and mortgage, the sum of three thousand dollars, in \$3000 to be order to secure the payment and delivery to Gertrude Beisel, widow of the said deceased, of the sum of money and articles, which by the last will and testament of the deceased, are given to her annually during life, the principal whereof, to be payable at her death. And the residue of the said estate, after payment of debts, shall be applied to the payment of the legacies, in the last will and testament mentioned. And in case of a failure to comply with the conditions of the said sale, by either of the said purchasers, the said Owen Rice, and Jacob Beisel, or the survivor of them, are hereby authorised to expose such estate again to sale, and to sell the same for the best price that can be obtained, therefor, on the terms on which the same has been heretofore sold, and to convey the premises to the purchaser or purchasers thereof as aforesaid: *Provided*, That before the execution of any such deed or deeds of conveyance, the said executors shall give such security as the orphans' court of Northampton county shall deem sufficient for the faithful execution of the trusts hereby reposed in them.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 64.

A SUPPLEMENT

To an act, entitled An act authorising the supervisors of East Huntington township, in Westmoreland county, to assess and collect certain taxes, passed the second of April, one thousand eight hundred and thirty.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That in any suit or action, now pending, or that may be hereafter commenced by any person or persons against the supervisors of East Huntington township, in Westmore-

Duty of court or arbitrators in certain cases.

To review
settlement
with P. Pool.

land county, or any of them, or against any other person or persons, under or by virtue of the act to which this is a supplement, it shall and may be lawful for the court or arbitrators before which the said suit or action shall be tried, to inquire into the facts and merits upon which the claim of the plaintiff may have been founded; and also to review and re-examine the settlement, as made by the auditors of said township, with a certain Peter Pool, in the same manner as if no settlement had been made.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 65.

A FURTHER SUPPLEMENT

To the several acts incorporating a company to make a turnpike road from the northern termination of the York and Conewago turnpike road, to the west end of the Harrisburg bridge.

Time extended.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for commencing operations on the York Haven and Harrisburg bridge turnpike road, be and is hereby extended for the term of one year, and the time for completing the same, three years from the passage of this act.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 66.

AN ACT

To extend the charter of the Commercial bank of Pennsylvania.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled "An act to re-charter certain banks," approved the twenty-fifth day of March, one thousand eight hundred and twenty-four, be and the same is hereby extended for and during the term of ten years, from and after the first Wednesday in May, one thousand eight hundred and thirty-five, so far as the provisions of said act relate to the Commercial bank of Pennsylvania: *Provided nevertheless,* That said bank shall be subject to such alterations, provisions and restrictions, as the legislature may at any time hereafter think proper to enact for the better regulating of the banking institutions of this commonwealth; and also to all requisitions as to a bonus or premium to be paid to the commonwealth, as a consideration for the privileges herein granted, as now by law are demanded, or as the legislature may at any time hereafter demand. Extended ten years from May, 1835.
Proviso.
Subject to restrictions, requisitions, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the first day of December next, no officer in said bank, except the president and directors, shall be permitted to own, either directly or indirectly, any share or shares of the capital stock of said bank, under pain of forfeiture of all stock so held to and for the use of the said bank. After 1st December certain officers not to hold stock.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 67.

AN ACT

Erecting all that part of Mifflin county, south and east of the Black Log and Shade mountains, into a separate county, to be called Juniata.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all that part of Mifflin county, laying south and east of a line, beginning on the summit of Black Log moun-

Boundaries
of Juniata
county.

tain, where the Huntingdon county line crosses the same, and running thence along the summit thereof, to the Juniata river; thence across the same to a marked Black Oak, standing by the road, on the north side of said river, about the middle of the Long Narrows, known as a line tree, between Derry and Fermanaugh townships, in said county; thence along the summit of Shade mountain, to the line of Union county; and thence along said line down Mahantango creek, to the Susquehanna river, shall be and the same is hereby declared to be erected into a separate county, to be called Juniata.

County estab-
lished from
and after 1st
September.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said county of Juniata, from and after the first day of September next, shall be entitled to and at all times thereafter, have all and singular the courts, jurisdictions, offices, rights and privileges, to which the inhabitants of other counties of this state are entitled, by the constitution and laws of this commonwealth.

County com-
missioners to
designate tem-
porary place
of holding
courts.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the several courts, in and for the said county of Juniata, shall be opened and held at such house as may be designated by the commissioners of said county, to be elected at the next general election, until a court house shall be erected in and for the said county, as is hereinafter directed, and shall be then held at said court house.

Division of
pending suits
on 1st Sept.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all suits and cases which shall be pending and undetermined in the several courts of Mifflin county, on the first day of September next, where both parties in such suit or suits, shall at that time be resident in the county of Juniata, shall be transferred to the respective courts of Juniata county, and shall be considered as pending in said court, and shall be proceeded on in like manner as if the same had been originally commenced in said courts, except that the fees on the same due to the officers of Mifflin county, shall be paid to them when recovered by the prothonotary or sheriff of Juniata county; and the prothonotary of Mifflin county, shall on or before the first day of June next, purchase dockets and copy therein all the docket entries respecting the said suits and cases, to be transferred as aforesaid; and shall on or before the first day of August next, have the said docket, together with the records, declarations and other papers respecting the said suits and cases, ready to be delivered to the prothonotary of Juniata county; the expenses of said dockets and copying, to be paid by the said county of Juniata, on warrants to be drawn by the commissioners of Juniata county, on the treasurer thereof.

Fees due.

Prothonotary
of Mifflin to
prepare dock-
et for new
county by 1st
August.

At the ex-
pense of Juni-
ata county.

Collection of
arrears of tax-
es and militia
fines.

SECT. 5 *And be it further enacted by the authority aforesaid,* That all taxes or arrears of taxes laid, or which have become due, within the said county of Juniata, before the passing of

this act, and all sums of money due to this commonwealth for militia fines, in said county of Juniata, shall be collected and recovered as if this act had not been passed: *Provided always*, That the money arising from the county taxes assessed, or to be assessed, within the limits of the county of Juniata, subsequently to the first day of November last, shall from time to time as the same may be collected, be paid into the treasury of the county of Mifflin for the use and benefit of the county of Juniata, until a treasurer shall be appointed in the county of Juniata; and the treasurer of the county of Mifflin, shall keep separate accounts thereof, and pay the same to the treasurer of the county of Juniata as soon as he shall have been appointed; and whatever part of said taxes that have been assessed since the first of November last, may remain uncollected in the county of Juniata, at the time of the appointment of the treasurer thereof, the same shall be collected in the usual manner, and paid into the treasury of the county of Juniata.

Proviso.
Certain funds of Juniata to be paid over to treasurer of Mifflin for use of Juniata.

Uncollected taxes assessed since 1st November, transferred.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the sheriff, treasurer, prothonotary and all such officers as are by law required to give surety for the faithful discharge of the duties of their respective offices, who shall hereafter be appointed or elected in the said county of Juniata, before they, or any of them, shall enter on the execution thereof, shall give sufficient security in the same manner and form and for the same uses, trusts and purposes as such officers, for the time being, are obliged by law to give, in the county of Mifflin.

Security to be given by county officers.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the sheriff, coroner and other officers of the county of Mifflin, shall continue to exercise the duties of their respective offices within the county of Juniata as heretofore, until similar officers shall be appointed agreeably to law, within said county; and the persons who shall be appointed associate judges for the county of Juniata, shall take and subscribe the requisite oaths or affirmations of office before the prothonotary of the court of common pleas of the county of Mifflin, who shall file a record of the same in the office of the prothonotary of the court of common pleas of the county of Juniata, who may be appointed at any time after the passing of this act.

Officers of Mifflin to act until new officers are appointed in Juniata.
Associate judges to be sworn in Mifflin.
Prothonotary to file oaths in Juniata.

SECT. 8. *And be it further enacted by the authority aforesaid*, That the inhabitants of the county of Mifflin and of the county of Juniata shall, jointly, elect two representatives, and in conjunction with Huntingdon and Cambria counties, one senator, to serve in the legislature of this commonwealth, in the same mode, under the same regulations, and make returns in the same manner as is or shall be directed by the laws of this commonwealth for conducting and making re-

Election of senator and representatives.

turns of the election of the county of Mifflin, any thing in this act to the contrary notwithstanding.

Governor to appoint three commissioners to find a scite for seat of justice.

To report by 1st of July.

Compensation.

Proviso.
To be under oath.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the Governor be and he is hereby authorised and required, on or before the first day of May next, ensuing, to appoint three discreet and disinterested persons, not resident in the counties of Mifflin or Juniata, whose duty it shall be to fix on a proper and convenient scite for a court house, prison and county offices within the aforesaid county of Juniata, as near the centre thereof as circumstances will admit, having regard to the convenience of roads, territory, population, and the accommodation of the people of the said county, generally; and said persons, or a majority of them, having viewed the relative advantages of the several situations contemplated by the people, shall on or before the first day of July next, by a written report under their hands or under the hands of a majority of them, certify, describe and limit the scite or lot of land which they shall have chosen for the purpose aforesaid, and shall transmit the said report to the Governor of this commonwealth; and the persons so as aforesaid appointed, shall each receive three dollars per diem for their services, out of the moneys to be raised in pursuance of this act: *Provided always,* That before the commissioners shall proceed to perform the duties enjoined on them by this act, they shall take an oath or affirmation before some judge or justice of the peace, well and truly and with fidelity to perform said duties, without favor to any person, according to the true intent and meaning of this act,

County commissioners to take deeds for ground fixed on.

To assess &c. taxes to defray expenses and to erect public buildings.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the county of Juniata, who shall be elected at the next annual election, to take assurance to them and their successors in office, of such lot or lots, or piece of ground as shall have been approved of by the persons appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a court house, jail and offices, for the safe keeping of the records; and the county commissioners are hereby authorised to assess, levy and collect in the manner directed by the act for raising county rates and levies, a sufficient sum to defray the expenses thereof; and also, are hereby authorised to assess, levy and collect for the purpose of building a court house and prison, which they are hereby authorised to erect, a sufficient sum to defray the expenses thereof.

Election of members of congress.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the said county of Juniata, shall form a part of the district composed of the counties of Huntingdon, Centre, Mifflin and Clearfield, for the election of members of congress.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the judges of the supreme court shall have like powers, jurisdictions and authorities within the said county of Juniata, as by law they are vested with, and entitled to have and exercise in other counties of this state; and the said county is hereby annexed to the middle district of the supreme court. Supreme court.
Juniata ar-
nected to mil-
dle district.

SECT. 13. *And be it further enacted by the authority aforesaid:* That the county of Juniata, shall be annexed to and compose part of the twelfth judicial district of this commonwealth, and the courts in said county of Juniata, shall be held on the first Mondays of February, May, September and December, in each and every year, and to continue one week at each term, if necessary. And to 12th
judicial dis-
trict.
Time of hold-
ing courts.

SECT. 14. *And be it further enacted by the authority aforesaid,* That certioraries directed to and appeals from the judgment of any justice of the peace of the said county of Juniata, and all criminal prosecutions which may originate in the said county, before the test day hereinafter mentioned, shall be proceeded in as heretofore, in the courts of common pleas and quarter sessions of the county of Mifflin, and all process to issue from the courts of the said county of Juniata, returnable to the first term in said county, shall bear teste on the third Monday of October next. Certioraries,
appeals, &c.
prior to teste
day to be pro-
ceeded in as
heretofore.
Testa day.

SECT. 15: *And be it further enacted by the authority aforesaid,* That the judges of the district elections within each of the said counties of Mifflin and Juniata, after having formed the returns of the whole election for senators and representatives as the case may be, within each county, in such manner as is or may be directed by law, shall on the third Tuesday in October, in each year, send the same by one or more of their number, to the court house in the borough of Lewistown, in the county of Mifflin, when and where the judges so met, shall cast up the several county returns, and execute under their respective hands and seals, as many returns for the whole district as may be requisite; and also transmit the same as is by law required to the return judges in other districts. Place of meet-
ing of return
judges of gen-
eral elections.

SECT. 16. *And be it further enacted by the authority aforesaid,* That in all cases when it would be lawful for the sheriff, jailor or prison keeper of the county of Juniata, to hold in close custody the body of any person in the common jail of the said county, if such jail were at this time erected in and for the said county, such person shall be delivered to and kept in close custody by the sheriff, jailor or prison keeper of the county of Mifflin, who, upon delivery of such prisoners to him or them at the common jail in said county of Mifflin, shall safely keep him, her or them, until they be discharged by the due course of law; and shall also be an- Prisoners of
Juniata to be
kept in the
Mifflin coun-
ty jail.

Proviso.
 Mileage of
 sheriff.

swerable in like manner, and liable to the same pains and penalties, as if the person so delivered were liable to confinement in the common jail of Mifflin county; and the parties aggrieved, shall be entitled to the same remedies against them or any of them, as if such prisoner had been committed to his or their custody by virtue of legal process, issued by proper authority of the said county of Mifflin: *Provided always*, That the sheriff of Juniata county, be allowed out of the county stock of said county, ten cents per mile as a full compensation for every person charged with a criminal offence, which he may deliver to the jail of Mifflin county, by virtue of this act, on orders drawn by the commissioners of Juniata county on the treasurer thereof.

And prison
 expenses to be
 paid by com-
 missioners of
 Juniata.

SECT. 17. *And be it further enacted by the authority aforesaid*, That the sheriff, jailor and prison keeper of the county of Mifflin, shall receive all prisoners as aforesaid, and shall provide for them according to law, and shall be entitled to the fees for keeping them, and also to such allowance as is by law directed for the maintenance of prisoners in similar cases, which allowance shall be defrayed and paid by the commissioners of the county of Juniata out of the county stock.

The two pre-
 ceding sec-
 tions to re-
 main in force
 until now
 prison is
 ready.

SECT. 18. *And be it further enacted by the authority aforesaid*, That the sixteenth and seventeenth sections of this act shall be and continue in force for the term of three years or until the commissioners of Juniata county shall have certified to the court, that a jail is erected and ready for the reception of prisoners, and approved of by the court and grand jury, who shall enter their approbation, signed by them, on the records of said court; and from thenceforth it shall be lawful for the sheriff of Juniata county, to receive all and every person or persons who may be then confined in the jail of Mifflin county, in pursuance of this act, and convey them to the jail of Juniata county, and to keep them in close custody until they be discharged by due course of law.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 68.

AN ACT

To incorporate a company for making a turnpike road from the Milford and Owego turnpike, about two miles west of Appollos Davis', upon Cherry Ridge, in Wayne county, through Wagener's Gap, to the Carbondale and Blakely turnpike road, near Decker's mill, in Luzerne county.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Seymour, John H. Bulen and Conrad Swingler, of Wayne county, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall on or before the first day of July next, procure two books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Cherry Ridge and Lackawana turnpike road company, the sum of twenty dollars for every share of stock in said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate a company for making a turnpike road from the Milford and Owego turnpike, about two miles west of Appollos Davis', upon Cherry Ridge, in Wayne county, through Wagener's Gap, to the Carbondale and Blakely turnpike road, near Decker's mill, in Luzerne county.' Witness our hands the day of in the year of our Lord one thousand eight hundred and ;" and thereupon shall give notice in two or more of the public newspapers printed nearest the route of said road, for twenty days at least, of the times and places when and where the said books shall be opened to receive subscriptions for the stock of said company; at which times and places, one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said books, in their own names or in the name or names of any other persons who shall duly authorise the same, for any number of shares of the said stock; and the said books shall be kept open, respectively, for the purpose aforesaid, at least six hours in every juridical day for the space of six days, or until the said books shall have eight hundred shares therein subscribed; and if at the expiration of the said six days, the books aforesaid, or either of them, shall not have the said number of

Commissioners named to open books.

Form of subscription.
\$20 per share.

Notice.

Who may subscribe.

Whole No.
800 shares.

eight hundred shares therein subscribed, the commissioners respectively may adjourn from time to time, and transfer the said books from place to place until the whole number of shares shall be subscribed; of which adjournments and transfers, the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed, shall amount to eight hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in said books in his own or any other name, shall previously pay to the attending commissioner or commissioners the sum of two dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

Proviso. *§2 to be paid on each share at time of subscribing.*

When 20 persons take 200 shares charter may issue.

Incorporation

Style.

Privileges, liabilities, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when twenty persons or more shall have subscribed two hundred shares of the said stock, the said commissioners, respectively, may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor of this commonwealth, and the sum of two dollars paid on each share; whereupon, it shall and may be lawful for the Governor, by letters patent under his hand and seal of the state, to create and erect the subscribers, and if the subscription shall not be full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the "president and managers of the Cherry Ridge and Lackawana turnpike road company;" and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and ob-

tained, shall give public notice in two of the public newspapers printed nearest the route of the said road, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy duly authorised, one president, six managers, one treasurer, and such other officers as they may deem necessary to conduct the business of the said company for one year, and until such other officers be chosen; and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company: *Provided always*, That no person shall have more than fifteen votes at any one election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that every person shall be entitled to one vote for every share by him held under that number.

Organization of corporation.

Officers. President six managers, treasurer, &c.

Proviso.

One vote each share under fifteen.

SECT. 4. *And be it further enacted by the authority aforesaid*, That it shall be lawful to and for the said president and managers, their superintendents, surveyors, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and examine the ground most proper for the purpose, as well as the materials in the vicinity that may be necessary in making and constructing the said turnpike road; and to survey, lay down, ascertain, mark and fix such route or track for the said road as in the best of their skill and judgment will combine shortness of distance, with the most practicable ground; and generally, they shall have like powers, authority and privileges necessary for carrying on and completing the said turnpike road; and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures; and be entitled to like tolls and profits, in proportion to the distance, as are given and granted to the president and managers of the Belmont and Easton turnpike road company.

Right to enter enclosures, to locate and for materials.

Placed on footing of company of the Belmont and Easton turnpike.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the president and managers of the said road shall make or cause the same to be made not less than forty nor more than sixty feet in width, and at least twenty feet thereof shall be made an artificial road, in the following manner, to wit: all the timber shall be taken out by the roots and removed from the road; it shall, where the original location is level, or nearly so, be at least two feet higher in the centre than at the sides; it shall be well and sufficiently ditched, so as to carry off the water, and to keep the road in its foundation firm and dry; it shall be constructed of firm and

Dimensions.

Materials, &c. of road.

substantial materials, composed of wood, gravel, stone, slate, sand or other hard substance, such as the nature of the ground along which the road may pass will admit of, so as to secure a solid foundation, a smooth and firm surface, and a well made permanent highway, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line; and the said president and managers shall erect permanent bridges, over all the streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair.

Scale.

Bridges.

Time of commencement and completion.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if said company shall not proceed to carry on the said work within two years after passing this act, or shall not within six years thereafter complete the same, according to the true intent and meaning of this act, then, or in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted, shall revert to the commonwealth.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 69.

AN ACT

Authorising the election and appointment of an additional constable in Earl township, and repealing a law authorising the election and appointment of an additional constable, in Warwick township, Lancaster county.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the electors of the township of Earl, in the county of Lancaster, shall, annually hereafter, at the place where they meet for the election of township officers, on the day appointed for the election of constables in the several townships in this commonwealth, elect four respectable citizens of said township, two of whom shall reside in the village of

Electors of Earl annually to elect four persons, from whom court is to appoint 2 constables.

New Holland, and two in the remainder of said township, and return the names of the persons so elected, to the next court of quarter sessions of said county; two of whom, one in the village of New Holland and one in the remainder of the township, shall be appointed constables for said township, in the same manner, with the like power and authority, and subject to the same regulations and penalties as are provided and contained in the laws now existing or that may hereafter exist, concerning constables in this commonwealth; and the acting constable of said township is authorised and required to give previous notice and to hold the first election under this act. Notice of election.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the fifth section of the act, entitled "An act authorising the election of constables in certain townships, and for other purposes," passed March twenty-ninth, eighteen hundred and twenty-five, which section authorises the election and appointment of an additional constable in Warwick township, Lancaster county, be and the same is hereby repealed. 5th section of act of 29th March, 1825, repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 70.

AN ACT

To incorporate the Union Harmony Burial company of Kensington, in the county of Philadelphia.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the persons constituting the said company, shall be a body politic and corporate in law, with the usual corporate rights and powers, under the name and style of the Union Harmony Burial company of Kensington, and that the following rules, restrictions, limitations and provisions shall form the fundamental articles of the constitution of said corporation, to wit: Association declared a corporate body under following articles.

ARTICLE I. This institution shall be known by the name and style of the Union Harmony Burial company of Kensington. Style.

- Members.** **ARTICLE II.** It shall consist of such persons, citizens of this commonwealth, as may be admitted members and comply with the rules hereinafter prescribed, and shall have a common seal with such inscription as may be fixed by the by laws.
- Seal, &c.**
- Officers.** **ARTICLE III.** The officers of the company shall be a president, a vice president, secretary and treasurer, and nine managers, of whom the president, vice president, secretary and treasurer shall constitute four.
- Elections.** **ARTICLE IV.** The election of all the officers shall be made by the company, by ballot, at the stated annual meeting, and their term of service commence at the same time, except the first election, which shall take place as soon as a majority of the company shall direct, after the passage of this act; and the officers so elected, shall serve until the first of January, eighteen hundred and thirty two; at every such election, each share of stock shall entitle the holder to one vote only, and no vote by proxy shall be allowed.
- One vote each share.**
No votes by proxy. **ARTICLE V.** The company shall hold their stated annual meetings on the first days of January, in each and every year, unless the same shall happen on Sunday, in which case it shall be held on the Monday following; special meetings shall be held at such times as the board of managers shall agree, or a majority direct, or whenever the president shall be thereto requested at least two days before such meeting, by any two stockholders, in writing.
- Annual and special meetings.** **ARTICLE VI.** The said company shall have power to purchase and hold to them and their successors, such lots or parcels of ground in the district of Kensington, as they may deem necessary for the purposes aforesaid, and according to the provisions and limitations hereinafter expressed and contained: *Provided*, That whenever the company shall receive a profit of more than six per cent. per annum on their capital stock, the balance above that sum shall be paid to the treasurer of the county of Philadelphia, to be applied under the direction of the county commissioners of said county, to the interment of indigent persons, who may die in said county of Philadelphia: *Provided further*, That the said company shall at no time hold more than three acres of land.
- May hold property.** **ARTICLE VII.** That portion of the company's ground intended for its members shall be laid off in lots eleven feet four inches by eight feet, marked with stones or posts planted in each corner and inscribed with the names and number, which said stones or posts shall not exceed twenty inches in height above the ground.
- Proviso.**
Profits not to exceed 6 per cent.
Excess appropriated.
2d proviso.
Not to hold more land than 3 acres. **ARTICLE VIII.** That portion of the company's ground allotted and intended for the interment of non members, shall also be laid off in regular ranges and spaces.
- Dimensions of lots.**
- Interment of non members.**

ARTICLE IX. The amount to be required of each non member for his or her lot, shall be such as the company shall from time to time direct. Amount of charge.

ARTICLE X. Each share of stock shall entitle the holder to one lot, for which he or she shall receive a certificate deed, signed by the president and attested by the secretary of the company, with the seal of said company affixed thereto, and the same shall be held as a cemetery or burial place to his or her heirs or assigns forever, and to be used for no other purpose, but subject always to the rules and regulations prescribed by the constitution and by-laws of the society. Certificate deeds to be given to each holder of lots.

ARTICLE XI. The form of the certificate deed shall be such as the company shall prescribe by their by-laws. Their form.

ARTICLE XII. The number of each member's lot or cemetery shall be determined by ballot, that is, there shall be as many tickets made out, numbered, rolled up, and put in a box as there are shares; each number that shall be on the ticket drawn, shall be the number of his or her lot: *Nevertheless*, members may, from motives of convenience, and by mutual consent, exchange their lots or cemeteries with each other. Choice by lot.

ARTICLE XIII. A map or plan of the whole ground shall be drawn, showing the number and situation of each member's lot or cemetery: *Also*, The order of ranges allotted for the interment of non members. Plan of cemeteries.

ARTICLE XIV. The said company shall have powers to sell and convey, in the manner prescribed by the tenth article of this constitution, to persons not members of this company, a lot or piece of ground, for a cemetery as aforesaid, to hold to him or her, and his and her heirs and assigns forever: *Provided however*, That should any purchaser, described in this article, sell, transfer or convey his or her lot or cemetery to any person, the transfer of the same shall be endorsed on the certificate deed of said lot or cemetery, and signed by the president and attested by the secretary and the seal of said company, and so toties quoties; subject however, to the same rules as is prescribed by these articles to the stockholders and original purchasers. Sale of lots to non members. Proviso. Endorsement of transfers on deeds.

ARTICLE XV. No officer of this company shall receive any compensation for his services to the society by virtue of his office. No compensation to officers.

ARTICLE XVI. This company shall have power to remove any officer of this company who may be guilty of mal-practice or improper conduct in his official capacity. Power to remove officers.

ARTICLE XVII. The company shall have power to appoint a president pro tem. at any meeting, in case of the absence of the president and vice president, provided five members be present, who shall constitute a quorum. The vice president shall preside in the absence of the president, if present. President pro tem. Quorum.

Enactment,
alteration, &c.
of by-laws.

Proviso.
Notice to be
given.

2d proviso.
Reservation
of right to re-
peal.

ARTICLE XVIII. The company shall have power to make by-laws for conducting their business, provided that such by-laws shall not be repugnant to the constitution and laws of the United States and of the state of Pennsylvania, or to these articles of association; and they may be passed, altered or amended at any stated meeting of the company, two-thirds of the members agreeing thereto: *Provided however*, That the proposed alteration of any by-law which had been passed and adopted, shall be first stated in writing one meeting previous to its discussions or determination: *And provided further*, That the legislature shall at all times have the right of altering, amending, or repealing this act, when the same shall be deemed necessary.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The third day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 71.

AN ACT

Concerning the real estate of John Smiley, deceased.

Disposition of
property by
John Smiley,
an alien made
valid.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the right and title acquired by John Smiley, late of Fallowfield township, in the county of Washington, in and to the lands situate in this commonwealth, of which he died seized, shall be in all respects as good and perfect as if the said John Smiley had been a citizen of the United States at the time he purchased the same; and the disposition of the said lands, made by the said John Smiley, in and by his last will and testament, shall be as good and valid, to all intents and purposes, as if the said John Smiley had been a citizen of the United States at the time of making the said last will and testament, and at the time of his decease.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The third day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 72.

AN ACT

Authorising the election of an additional constable for the township of Buffalo, in the county of Armstrong.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall ^{2 to be chosen} and may be lawful for the qualified electors of Buffalo ^{out of 4 elect.} township, Armstrong county, to elect, annually, at their usual place of electing township officers, four qualified citizens for constables, two of whom shall be appointed by the court of quarter sessions of said county, to serve as constables for said township, subject to the same rules and regulations as constables are now by law regulated.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The third day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 73.

AN ACT

To authorise the Governor to incorporate the president, managers and company of the Dundaff and Honesdale turnpike road.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Gould Phinney and Benjamin Bailey, of Susquehanna county, Thomas Meredith, of Luzerne county, Nelson Ford, James M. Mullin and Francis Griswold, of Wayne county, be and are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall on or before the first day of July next, procure two books, and enter in them as follows: "We, whose names are hereunto subscribed, do promise to pay ^{Form of sub-} _{scription,}

\$25 per share.

Notice.

Whole No. of
shares 400.When 10 per-
sons take 100
shares and
pay \$2 on
each, compa-
ny may be
incorporated.

Style.

unto the president, managers and company of the Dundaff and Honesdale turnpike road, the sum of twenty-five dollars for every share of said stock set opposite to our respective names, in such manner and proportions and at such times as shall be determined on by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to authorise the Governor to incorporate the president, managers and company of the Dundaff and Honesdale turnpike road.' As witness our hands, the day of in the year of our Lord one thousand eight hundred and ;" and shall thereupon give notice in one newspaper printed in each of the counties of Wayne and Susquehanna, for one calendar month at least, of the times and places when and where the said books shall be opened to receive subscriptions for the stock of the said company; at which times and places some one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in the said books, in their own names or in the names of any other persons who shall duly authorise the same, for any number of shares of the said stock; and the said books shall be kept open, respectively, for the purposes aforesaid, for at least six hours in every juridical day, for the space of three days, and until the said books so opened shall have four hundred shares therein subscribed; and if at the expiration of the said three days, the books aforesaid shall not have the number of shares aforesaid, therein subscribed, the said commissioners, respectively, may adjourn from time to time and transfer the books from place to place until the whole number of shares shall be subscribed; of which adjournment and transfer the said commissioners shall give such notice as the occasion may require; and when the whole number of shares subscribed in the said books shall amount to four hundred shares, the same shall be closed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That whenever ten or more persons shall have subscribed one hundred shares or more of said stock, and having actually paid two dollars on each share, the commissioners shall certify under their hands and seals the names of the subscribers and number of shares subscribed by each to the Governor; and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body corporate and politic, by the name, style and title of the president, managers and company of the Dundaff and Honesdale turnpike road; and by the said name, the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capa-

ble of taking and holding their said capital stock, the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent and meaning of this act; and of purchasing, taking and holding to them and their successors and assigns; and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and doing all and every other matter or thing which a corporation or body politic may lawfully do.

General powers.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be, after the said letters patent shall be sealed and obtained, shall give notice in the public papers aforesaid, of the time and place by them to be appointed, to wit: the third Monday in January then next, at Dundaff, when the subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of their own subscribers, by ballot, to be delivered in person, or by proxy duly authorized, one president, six managers, one treasurer and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen; and the said managers, so chosen, and their successors, shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state and of the United States, as shall be necessary for the well ordering of the affairs of the said company; and generally, have like powers, authority and privileges for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to take like tolls and profits, in proportion to the distance, as are given and granted to the president, managers and company of the Coschecton and Great Bend turnpike road; and the said Dundaff and Honesdale turnpike road, shall commence at such a point near the Chrystal lake as may be fixed on by the president and managers of said company, or a majority of them, and thence to such a point on the Lackawana turnpike road, as may be determined upon by the president and managers: *Provided,* That if the said company shall not proceed to carry on the said work within two years after the passage of this act, and shall not within six years afterwards complete the said road according to the true intent and meaning of this act, then, and in either of the said cases, it shall and may be lawful for the legislature of this commonwealth, to resume all and singular the rights, privileges, liberties and franchises by this act granted to the said company.

Time of organization fixed.

Officers.

By-laws, &c.

Same tolls, &c. as Coschecton and Great Bend road. Commencement and termination.

Proviso.

Time of commencement and completion.

Toll on four
miles.

Annual elec-
tions.

SECT. 4. *And be it further enacted by the authority aforesaid,* That whenever four miles of the said road shall have been completed, it shall be lawful for the said company to charge and take tolls for such part: and their annual elections shall be held on the third Monday of January, at the borough of Dundaff.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 74.

AN ACT

To authorise the Governor to incorporate a company for erecting a bridge over the river Susquehanna, at the borough of Towanda, the seat of justice, in the county of Bradford.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Chauncey Frisbie, Joseph M. Piolet, Harry Morgan, Nathaniel N. Betts, Thomas Elliott, George H. Bull, Henry Mercur, Eliphalet Mason and William Myer, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: they shall and may on or before the first day of January next, procure at least three books and enter therein as follows: “We, whose names are hereunto subscribed, do promise to pay to the president, managers and company, for erecting a bridge over the river Susquehanna, at the village of Towanda, the sum of fifty dollars for every share of stock in said company, set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the president and managers, in pursuance of ‘An act to authorise the Governor to incorporate a company for erecting a bridge over the river Susquehanna, at the borough of Towanda, the seat of justice, in the county of Bradford.’ Witness our hands the day of one thousand eight hundred and ;” and shall thereupon give notice in at least one newspaper printed in said county, and such other newspapers as they may deem proper, for one

Commission-
ers named to
open books.

Form of sub-
scription.

\$50 per share.

Notice to be
given.

calendar month at least, when and where the said books shall be opened to receive subscriptions for the stock of the said company; at which respective times and places, some one of the said commissioners shall attend and permit all persons of lawful age, to subscribe in said books, until the number Whole No. of eight hundred shares shall be subscribed, after which the 800 shares. books shall be closed: *Provided*, That every person offering Proviso. to subscribe in the said books, in his own name or in the \$5 to be paid name of any other person, shall previously pay to the attend- on each share ing commissioner or commissioners five dollars for every on subscri- share to be subscribed, out of which shall be defrayed the bing. expenses attending the taking of such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when twenty or more persons shall have subscribed When 20 per- two hundred or more shares in the said books, the said com- sons take 200 missioners, respectively, may, and when the whole number of shares shall be subscribed and the sum of five dollars paid shares char- ter may issue. on each share, shall certify under their hands and seals the names of the subscribers and the number of shares by them subscribed, to the Governor; and thereupon it shall be law- ful for the Governor, by letters patent under his hand and the seal of the state, to erect and create the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the "president, managers and company for Style. erecting a bridge over the Susquehanna river, at the borough of Towanda;" and by the said name the said subscribers General pow- ers and lia- bilities. shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; and of enlarging the same by new sub- scriptions in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, real and personal, as shall be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure; and of suing and being sued, and of doing all and every other thing which a corporation or body politic may lawfully do: *Pro- vided*, That if the company hereby incorporated shall pre- Proviso. sume to usurp the power of issuing any note or notes, in the nature of bank notes, or transact any business in the nature notes, &c. or manner of banking, then, or in either case, the privileges hereby granted shall revert to this commonwealth: *And provided also*, That if the said company shall not commence 2d proviso.

Time of com- building the said bridge within three years after the passing
mencement of this act, and complete the same within three years there-
and comple- after, then the privileges hereby granted shall revert to this
tion. commonwealth.

SECT. 3. *And be it further enacted by the authority aforesaid,*
Organization. That the six persons first named in the letters patent, as
soon as conveniently may be, after sealing the same, shall
give notice in at least two newspapers printed in said county,
and such other newspapers as they may deem proper, of a
time and place by them to be appointed, not less than thirty
days from the time of issuing the first notice; at which time
and place the said subscribers shall proceed to organize the
said corporation, and shall choose by a majority of votes of
the said subscribers, by ballot, to be delivered in person, or
President, six by proxy duly authorised, one president, six managers, one
managers, treasurer and such other officers as they shall think neces-
treasurer, &c. **sary to conduct the business of the said company for one**
year, and until such other officers shall be chosen; and may
By-laws, &c. **make such by-laws, rules, orders and regulations, not incon-**
sistent with the laws and constitution of this state or of the
United States, as shall be necessary for the well ordering of
the affairs of the corporation; and generally to have all the
powers, authorities and privileges necessary for commencing,
carrying on and completing, maintaining and keeping in re-
pair the said bridge; and shall receive like tolls and be
subject to all the duties, qualifications, restrictions, penal-
ties, fines and forfeitures which are given and granted or
imposed upon "the president, managers and company in-
Placed on incorporated to erect a bridge over the river Susquehanna, at
same footing as Nescopeck bridge com-
pany. **the falls of Nescopeck, in the county of Luzerne," passed**
the ninth day of April, one thousand eight hundred and
seven.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini,
one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 75.

AN ACT

To incorporate the town of Bloomfield, in the county of Perry, into a borough.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Bloomfield, in the county of Perry, shall be and the same is hereby erected into a borough, to be called the borough of Bloomfield, which is comprised within the following boundaries, to wit: beginning at a post at the east corner of a bridge, over George Barnett's mill race; thence through said Barnett's land, south fifty-nine degrees, west thirty-two perches, to a post on the line of John Clesse's land; thence south fifteen degrees, east perches, to the corner of said Clesse's land; thence along the same, and lands of Casper Lupfer, south sixty-one and a fourth degrees, west thirty-seven and two tenths perches, to a post and stones; thence by lands of said Lupfer, so as to include lands of John Clesse, John D. Creigh, Dr. Jonas Ickes, A. M. Axe, John Rice, M. Hubler and Samuel Klinepeter, to a post on the line of said Lupfer, at the north west corner of said Klinepeter's clear land; thence through said Klinepeter's land, to the south west corner of J. M. Duncan's land; thence along the line thereof, north, so as to include the same, to the north west corner of the county land; thence by the same, to the north east corner thereof; thence north seventy-three degrees, east forty-four perches, to a black oak on George Barnett's land; thence south thirty-nine degrees, east one hundred and thirty perches, to a black oak on the road leading from Barnett's to M'Cown's; thence south fifteen degrees, west fifty-six perches, to the bridge and place of beginning.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in the said borough three months previously to such election, to meet at the court house in said borough on the third Friday in March, in every year, and then and there elect by ballot, between the hours of twelve and six o'clock of the same day, one respectable citizen residing therein, who shall be styled the burgess of said borough, and seven citizens residing therein, who shall be a town council, and two citizens to be street commissioners; but previously to such election the inhabitants present shall elect two respectable citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted according to

Borough
boundaries.

Annual elec-
tion for offi-
cers.

Burgess,
council, &c

Manner of
conducting
election.

the general election law of this commonwealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties for mal practices as by the said law is imposed; and the said judges, inspector and clerks, before they enter upon the duties of their offices, shall each take an oath or affirmation before any justice of the peace of said county, but if no justice of the peace be present at the election, one of the judges, after first having the oath or affirmation required as aforesaid, administered to him by one of the other judges, shall administer the oaths or affirmations to the other judges and to the inspectors and clerks, to perform the same with fidelity; and after the said election shall be closed, shall declare the person having the greatest number of votes to be duly elected; and in case any two or more candidates shall have an equal number of votes, the preference shall be determined by lot, to be drawn by the judges and inspector; whereupon duplicate returns thereof shall be signed by the said judges, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation; and in case of death, resignation or removal, refusal to accept or neglect or refusal to act after acceptance of any of the said officers, the burgess, or in case of his death, absence or inability to act, or when he neglects or refuses to act, the first named of the town council shall issue his precept directed to the high constable, or when there is no high constable or when he refuses or neglects to act, then any of the members of the town council shall advertise and hold an election in the manner aforesaid, to supply such vacancy, giving at least ten days notice thereof, by advertisements, set up at four of the most public places in the said borough.

Returns
thereof.

Vacancies
from any
cause.

How supplied

Burgess and
council incor-
porated.

Privileges
and liabilities

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the third Friday in March, the burgess and town council, duly elected as aforesaid, and their successors, shall be one body politic and corporate in law, by the name and style of the burgess and council of the borough of Bloomfield, and shall have perpetual succession; and the said burgess and council aforesaid, and their successors, shall be capable in law to receive, hold and possess, goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises and hereditaments to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars; and also to give, grant, sell, let and assign the same lands, tenements, hereditaments, rents; and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth in all manner of actions whatsoever: and to have and to use one common seal, and the same from time to time, at their will, to change and alter.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person or inhabitant of the said borough, duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing shall forfeit and pay a fine of ten dollars; and if any other person duly qualified as aforesaid, shall be duly elected or appointed, in pursuance of this act, to any other office in said borough, and having notice of his election or appointment, shall refuse to undertake and execute the duties of that office, every person so refusing shall forfeit and pay a fine of five dollars; which fines, forfeitures and all others, in pursuance of this act or of the by-laws of the said council, shall be recoverable before any justice of the peace of said county, for the use of said corporation: *Provided,* That no person shall be compelled to serve more than one year in any term of four years; and that if any person or persons shall conceive himself or themselves aggrieved by the judgment of any justice of the peace, by virtue of this act, he or they may appeal to the next county court of common pleas, upon giving security according to law, to prosecute his or their appeal with effect; who shall, on the petition of the party, take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

Penalties on persons elected or appointed refusing to serve.

How recovered.

Proviso.

But one year in four.

Right of persons aggrieved to appeal.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the burgess shall take and subscribe an oath or affirmation before one of the associate judges or a justice of the peace for the county of Perry, to support the constitution of the United States and of this state, and an oath or affirmation well and truly to execute the office of burgess of the borough of Bloomfield; and when so qualified, he shall administer an oath or affirmation to the council, high constable and town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices; the certificates of which oaths and affirmations, shall be filed among the records of the said corporation.

Oaths of office.

To be filed.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the town council may meet, by their own authority, as occasion may require, or upon the summons of the burgess; they shall have power to enact by-laws, and to make such rules, regulations and ordinances as shall be determined on by a majority of the whole council, necessary to promote the peace, good order and general welfare of the inhabitants of the said borough, and for the purpose of improving and keeping in order the streets, lanes, alleys, public squares and common ground belonging to said town, within the said borough, for removing nuisances and obstructions therefrom, and the same to annul, alter or make anew as the occasion may require; and also to assess, levy and collect a tax for said purposes; and also, annually, to appoint a town

Meetings of council.

General powers.

Proviso.
Of the by-
laws, &c.
2d proviso.
Limit of tax.

May tax
dogs, &c.

Duties of
town clerk.

Security of
treasurer.

Annual set-
tlement and
publication of
accounts.

Penalty on
neglect of
duty.

clerk, treasurer and such other officers as may be deemed necessary, with all other powers required for the well ordering and better government of the said borough: *Provided*, That the said ordinances, rules and regulations shall not be repugnant to the constitution or laws of the United States or of this commonwealth: *And provided also*, That no tax shall be laid by them in any one year, to exceed one half of a cent in the dollar on the valuation of taxable property, taken from the then assessment, made in pursuance of the several acts of assembly for raising county rates and levies, unless some object of general utility shall be thought necessary, in which case a majority of the freeholders of said borough, by writing under their hands, shall approve and certify the same to the town council, who shall proceed to assess the same accordingly; and all taxes which may be assessed or laid in their said borough, shall as nearly as the same is practicable, be assessed and collected conformably to the laws for raising county rates and levies; they shall also have power to levy and collect a tax on the owners of dogs and bitches, not exceeding fifty cents for each dog or two dollars for each bitch, in any one year.

SECT. 7. And be it further enacted by the authority aforesaid, That it shall be the duty of the town clerk to attend all meetings of the town council when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act or of the acts of the corporation, and his attestation, with the seal of the corporation, shall be good evidence of the thing or act so certified.

SECT. 8 And be it further enacted by the authority aforesaid, That the treasurer shall give security for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successors, of all moneys, books, and accounts, appertaining thereto, upon demand being made by the burgess for that purpose.

SECT 9. And be it further enacted by the authority aforesaid, That the street commissioners, treasurer, constable and clerk of the market, as well as all other officers who may be appointed by the corporation or council, shall render their accounts to the council once in every year, for settlement; and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and of the expenditures; and in case any of the said officers shall fail or neglect to perform any duty enjoined upon him by this act, or by the ordinances of the town council, he shall forfeit and pay a fine for the use of the said corporation, at the discretion of the said council, not exceed-

ing five dollars, and may be removed from office by the council, and his place be supplied by the appointment of another person.

SECT. 10. *And be it further enacted by the authority aforesaid.* That it shall be the duty of the high constable, to give notice of the election, by setting up advertisements, in three public places in the said borough, ten days previously thereto, and shall attend and see that the same is opened at the time and in the manner directed by this act. Duty of high constable relative to election.

SECT. 11. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled by law to vote for burgesses and other officers of the borough of Bloomfield, at the same time and place where they vote for said officers, to elect two reputable citizens of the said borough, and return the names of the persons so elected to the next court of quarter sessions of the said county, one of whom shall be appointed constable of said borough, in the same manner, with like power and authority and receive like fees, and be subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may be hereafter passed, concerning constables within this commonwealth, and shall serve and execute all manner of process which may by law be directed to the constable of said borough; and the constable so appointed, shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act and of the by-laws and ordinances of said borough. Election of constable.

His powers.

To supply place of high constable.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the burgess and town council shall constitute a court of appeal, and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which and of the amount of his or her tax and the place where the appeal will be held, the collector shall notify each taxable by a written notice in the usual manner, at least ten days before the day of appeal; and where the said tax shall have been properly adjusted, it shall be the duty of the burgess, or in case of his absence or inability to act, of the treasurer, and he is hereby authorised to issue his precept directed to the collector, commanding him to collect all taxes so assessed, and vesting him with like powers and authorities given to the collectors of county rates and levies by the laws of this commonwealth; and the amount so collected shall be paid into the treasury for the use of the corporation. Court of appeal from assessment of taxes.

Collection of same.

SECT. 13. *And be it further enacted by the authority aforesaid,* That in the absence from the borough or inability of the burgess, it shall be the duty of the first named of the town council, who may be present, to perform the duties which are enjoined on the burgess by this act, or which may Provision for absence of burgess.

be enjoined by the by-laws which may be passed in pursuance of the same.

In council
4 a quorum. *SECT. 14. And be it further enacted by the authority aforesaid,* That in any meeting of the burgess and town council, it shall require at least four of the council to form a quorum, who shall have power to transact business.

Publication of
by-laws, &c. *SECT. 15. And be it further enacted by the authority aforesaid,* That it shall be the duty of the burgess and town council to cause public notice of any by-law or ordinance which they may ordain, to be given in written or printed handbills, to be set up at three of the most public places within said borough, at least five days before any such by-law or ordinance shall take effect.

Borough ex-
empted from
operation of
road laws.
Duty of street
commission-
ers. *SECT. 16. And be it further enacted by the authority aforesaid,* That hereafter nothing contained in the general road laws of this commonwealth shall extend to the said borough, but it shall be the duty of the street commissioners, under the direction of the burgess and town council, to keep all the public streets in said borough in good order for the accommodation of the public; and for neglect thereof, the burgess, members of the town council and street commissioners shall be liable to indictment in the court of general quarter sessions of the peace in the county of Perry, and may be convicted and punished in the same manner as supervisors of highways: *Provided,* Nothing herein contained shall interfere with the assessment and collection of county taxes as heretofore.

Liability to
indictment.

Proviso.
County taxes.

Provision for
neglect to
hold election.

Persons nam-
ed to conduct
first election.

SECT. 17. And be it further enacted by the authority aforesaid, That in case the election shall not be held on the day appointed by this act, the old officers shall continue in office until the next annual election.

SECT. 18. And be it further enacted by the authority aforesaid, That George Barnet, David Lupier, Dr. Jonas Ickes and Col. John Wilson, of said town, or either of them, shall publish and superintend the first election for borough officers, on the second Friday of March next, after the passing of this act, at the place appointed by law for holding the elections for said borough, and they are hereby directed to give five days notice by advertisements as before directed in other cases of election, of the time and place of holding the same.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 76.

AN ACT

To authorise the Governor to incorporate a company for the purpose of erecting a permanent bridge over the river Conemaugh, at Saltsburg, in Indiana county, at or near the point at the mouth of the Loyalhanna creek, in Westmoreland county.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Stewart, Michael Kunkle, John Kline, and James R. Johnston, of Westmoreland county, Edward Carlton, James Luck, and Jacob Dunn, of Indiana county, be and they are hereby appointed commissioners to perform the duties hereinafter mentioned, that is to say: they shall on or before the first day of June next, provide one or more books for the entering of subscriptions, and shall write therein as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, managers and company for erecting a bridge over the Conemaugh, at Saltsburg, in Indiana county, at or near the point at the mouth of the Loyalhanna creek, in Westmoreland county, the sum of twenty five dollars for every share of stock in the said company set opposite to our names, in such manner and proportions, and at such times as shall be determined by the president and managers, in pursuance of an act of the general assembly, entitled 'An act to authorise the governor to incorporate a company for the purpose of erecting a permanent bridge over the river Conemaugh, at Saltsburg, in Indiana county, at or near the point at the mouth of the Loyalhanna creek, in Westmoreland county.' Witness our hands, this day of _____ in the year of our Lord, one thousand eight hundred and _____;" and shall thereupon give notice in one of the newspapers printed in the counties of Indiana and Westmoreland, during one calendar month at least, of the times and places where the said books shall be opened to receive subscription, at which times and places some one of the commissioners shall attend for that purpose, and keep open the said books, during six hours, in each four successive juridical days, or until one hundred and fifty shares shall be subscribed; and if one hundred and fifty shares shall not be subscribed within that period, then the said commissioners, respectively, may adjourn from time to time until the said number of shares shall be subscribed; of which adjournment public notice shall be given, by means of the newspapers, aforesaid, or in others, as occasion may require; and when one hundred and fifty shares shall have been subscribed, the books shall be closed.

Commissioners appointed to open books.

Form of subscription.

\$25 per share.

Notice.

Whole No. 150 shares.

SECT. 2. *And be it further enacted by the authority aforesaid,* That as soon as one hundred and fifty shares shall be subscribed, and five dollars per share shall have been actually paid on each share to the said commissioners or a majority of them, then a majority of the commissioners may certify the same, together with a list of the subscribers and the shares by each subscribed and that the said sum has been actually paid on each share, in writing, to the governor, who thereupon shall constitute the said subscribers, and also all those who may in future subscribe, under the provisions of this act, a body corporate, by the name of the president, managers and company for erecting a bridge over the Conemaugh, at or near Clark's Ferry, with all the privileges incident to a corporation; who shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and the increase thereof, and of enlarging the same by new subscriptions, if such enlargement be necessary to fulfil the purpose of this act.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the six persons first named in the letters patent of incorporation, shall, as soon as conveniently may be, after sealing the same, give notice in the newspapers aforesaid, of a time and place, by them to be appointed, not less than thirty days from the time of issuing the first notice; at which time and place the said subscribers shall proceed to organise the corporation, and shall choose by a majority of votes of the said subscribers, taken by ballot, to be delivered either by person, or by proxy duly authorised, one president, nine managers, one treasurer, one clerk, and such other officers as they may think necessary to conduct the business of the company during one year and until other officers be chosen; and may make such by-laws, rules, orders and regulations, not inconsistent with the laws of this commonwealth, as may be necessary for the well ordering of the affairs of the company; and as soon as the corporation is so organised, the commissioners shall pay over to the treasurer the sums paid to them at the time of the subscription; and the corporation shall pay to the commissioners all reasonable expenses which may have attended the taking such subscriptions: *Provided,* That no person shall have more than ten votes, whatever number of shares he may be entitled to, and each person shall be entitled to one vote for each share by him or her held under that number.

SECT. 4. *And be it further enacted by the authority aforesaid,* That a public meeting of the said stockholders shall be held on the first Monday of December, in every succeeding year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year and the determination of any question affecting the interest of the company.

When stock
is taken and
\$5 paid on
each share
company to
be incorpora-
ted.

Name.
Privileges,
&c.

Notice of first
election.

President, 9
managers,
treasurer,
clerk, &c.

Expenses
of commis-
sioners.
Proviso.
One vote each
share up to
ten.

Annual meet-
ing of stock-
holders.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president, countersigned by the treasurer, and sealed with the seal of the corporation, and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer, in part of the sum due thereon, fifteen dollars on each share, which certificate shall be transferable, either by the owner in person, or by his or her attorney, duly authorised, in the presence of the president or of the treasurer for the time being, subject, however, to the payments due or that may grow due thereon; and the person to whom the transfer shall be made shall stand in the place of the former holder of the certificate, and shall be entitled to the same privileges in the company.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president, managers and company shall have the same powers, authorities and privileges for completing, maintaining and keeping in repair the said bridge, and for fixing the rates of tolls and collecting the same, and be subject to the same duties, qualifications, restrictions, penalties, fines and forfeitures, which are or may be given and granted or imposed upon the president, directors and company authorised to erect a bridge over the river Susquehanna, at or near the borough of Harrisburg, in the county of Dauphin.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 77.

AN ACT

To authorise the directors of the poor and of the house of employment for the counties of Chester and Montgomery, to administer oaths and make examinations in certain cases.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the directors of the poor and of the house of employment for the counties of Chester and Montgomery, or a majority of them, shall have full power and authority to examine, under oath

Upon refusal
to answer,
may with-
hold relief.

or affirmation, all poor persons residing or being in the said house of employment, touching their place of legal settlement; and in case such poor person or persons shall refuse to take the said oath or affirmation, or shall refuse to answer such questions as shall be asked by the said directors, touching and relating to the said settlement, the said directors may withhold all further relief from such poor person or persons until he, she or they shall consent to take such oath or affirmation, and answer all such questions as aforesaid.

Same power
as justices in
certain cases.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said directors, or either of them, shall have like powers with justices of the peace to administer an oath or affirmation to any person or persons touching or concerning any matter or thing connected with the business transactions of the said institution.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 78.

AN ACT

For the relief of Jacob Booz and Eberhard Ohl, soldiers of the revolutionary war.

\$40 gratuity
granted to
each.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay Jacob Booz, of Montgomery county, and Eberhard Ohl, of Schuylkill county, soldiers of the revolutionary war, or to their respective orders, forty dollars each, immediately, as a gratuity, and compensation in full for their revolutionary services.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 79.

AN ACT

For the relief of Christian Riblet, a soldier of the revolution.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay to Christian Riblet, of Union county, a soldier of the revolution, or to his order, forty dollars, immediately, as a gratuity and compensation in full for his revolutionary services. \$40 gratuity granted.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 80.

AN ACT

Authorising William E. Lehman, of the city of Philadelphia, to sell and convey certain real estate, or to lease the same or any part thereof, on ground rent.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William E. Lehman, executor and trustee of W. E. Lehman, the last will and testament of William Lehman, Esquire, man, executor of the city of Philadelphia, deceased, be and he is hereby authorised to sell and convey, or lease on ground rent, all the right, title and interest of the said William Lehman, deceased, at the time of his death, in certain property, situate in the city and county of Philadelphia, viz: A lot of certain property in Philadelphia, viz: One lot in Chesnut st. side of Schuylkill Second street, containing in front, on Chesnut street, two hundred and forty-seven feet six inches and in depth southward sixty feet.

Also—A lot of ground on the north side of Chesnut street, between Schuylkill Fifth and Sixth streets; contain-

ing, in breadth, on Chesnut street twenty-two feet; in depth northward, one hundred and twenty-six feet.

One in Arch. Also—A lot of ground with an old and useless tenement, situate on the north side of Mulberry street, fifty feet westward from the west side of Delaware Twelfth street; containing twenty five feet front, on Mulberry street; and in depth, northward, one hundred and twenty feet.

One do. Also—A lot of ground with several small tenements, in ruins, situate on the south side of Mulberry street, at the distance of one hundred feet eastward from the east side of Broad streets; containing, in breadth, on Mulberry street, fifty feet; and in depth, southward, one hundred and thirty-seven feet.

One in Penn township. Also—A lot of ground in Penn township, in the county of Philadelphia; containing, in breadth, north and south, from Morris street to Hunter street, four hundred and four feet; and in length or depth, east and west, four hundred and ninety-five feet, from Schuylkill Second to Third street.

One do. Also—A lot of ground in Penn township, in the county of Philadelphia; containing, in breadth, north and south, from St. Andrew street to Hunter street, four hundred and fifty-three feet; and in length or depth, east and west, between Schuylkill Second and Third streets, four hundred and ninety-five feet.

One do. Also—A lot of ground, being part of lot in plan I, number four, situate in Penn township, in the county of Philadelphia: beginning at the north east corner of Hunter street and Schuylkill Third street; thence northward, along said Third street, four hundred and three feet, to St. Andrew street; thence eastward, along St. Andrew street, three hundred and ninety-six feet, to Schuylkill Fourth street; thence south, along said Fourth street, two hundred and twenty-three feet, to a lot of ground sold to James Milnor; thence westward, by the said James Milnor's lot, two hundred feet; thence southward, ninety feet; thence eastward, by a lot sold to George Ludlam, two hundred feet, to Fourth street; thence southward, along said Fourth street, sixty feet, to a lot sold to William Greenway; thence westward, along said Greenway's lot, two hundred feet; thence south, thirty feet, to Hunter street aforesaid; thence westward, along said Hunter street, to place of beginning.

One do. Also—A lot of ground situate in Penn township, county of Philadelphia, being the lot above mentioned, as belonging to William Greenway, thirty feet on Fourth street, by two hundred on Hunter street.

One do. Also—A lot of ground situate in Penn township, county of Philadelphia; four hundred and seventy-one feet or thereabouts, between Morris and Hamilton streets; and four hundred and ninety-five feet between Schuylkill Second and Third streets.

Also—A lot of ground situate in Penn township, county One do. of Philadelphia; containing, in breadth, on the south side of Hamilton street, two hundred and fifty feet; and in length or depth, on the east side of Schuylkill Front street, three hundred and ten feet southward: *Provided*, That before making sale, or letting the same on ground rent, the said William E. Lehman, executor and trustee as aforesaid, shall enter into bond and recognizance in the orphans' court of Philadelphia county, as the said court shall direct, with one or more sureties in a sufficient sum of money, conditioned for the faithful application of the moneys, (arising from the sale or leasing,) to the same uses and trusts as directed in the last will and testament of the said William Lehman, deceased: *And provided also*, That before the sale or lease of said property shall be valid, the same shall be approved of by the judges of said court: *And provided also*, That nothing in this act contained, shall in any manner prejudice the existing rights of the state, under the act of the seventh of April, in the year one thousand eight hundred and twenty-six, entitled "An act relative to collateral inheritances."

Proviso.
Executor to
enter into
bond, &c.

2d proviso.
Approval by
orphans'
court.
3d proviso.
Collateral in-
heritance law.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 81.

AN ACT

To legitimate the children of David Owen, by Orilla Bennett, of the county of Bradford.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, the children of David Owen, by Orilla Bennett, shall have and enjoy all the rights and privileges of children born in lawful wedlock; and that they, and every of them, shall be able and capable in law to take, hold, inherit, pass and transmit, all and any estate, real and personal, of whatever kind or

Children to
have same
rights as if
born in wed-
lock.

Proviso.
Collateral inheritance law.

nature soever, they, the said David and Orilla, or either of them, may be possessed at the death of the said David and Orilla, or either of them, as fully and effectually, to all intents and purposes as if they, and every of them, had been born in lawful wedlock: *Provided*, Nothing in this act shall be construed to interfere with the right of this commonwealth under an act, entitled "An act relative to collateral inheritances." passed the seventh day of April, one thousand eight hundred and twenty-six.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 82.

A SUPPLEMENT

To an act, entitled An act appointing commissioners to run and mark certain lines, dividing the counties of Lebanon and Dauphin, passed the twenty-third day of March, Anno Domini, eighteen hundred and twenty-nine.

J. Harrison
to supply
place of J.
Weidman,
deceased.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That to supply the place of John Weidman, Esq. of Lebanon county, deceased, John Harrison, Esq. of the same county, be and he is hereby appointed a commissioner to run and mark, in conjunction with the surviving commissioners, the division lines between the counties of Dauphin and Lebanon, in the manner pointed out by the act, entitled "An act appointing commissioners to run and mark certain lines, dividing the counties of Lebanon and Dauphin," passed the twenty-third day of March, eighteen hundred and twenty-nine.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 83.

A SUPPLEMENT

To an act, entitled An act appointing commissioners to run the lines of the counties of Lycoming, Bradford and Tioga.

WHEREAS, Joseph Stilwell; one of the commissioners named in the act to which this is a supplement, has declined to serve in the said appointment: Preamble.

Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph F. Quay, be and he is hereby appointed a commissioner to perform the duties mentioned in the act to which this is a supplement, with the like powers and authorities as the commissioners appointed therein; that the pay of the said commissioners shall be three dollars per day, for every day necessarily spent by them, in performing the said duties; and that when they shall have established the said lines and corners, of the said counties, they shall make a fair map of the same, and deposit one copy thereof in the office of the recorder of deeds of each of the said counties, and one copy thereof in the office of the Secretary of the Commonwealth; and that so much of the act to which this is a supplement, as is hereby altered or supplied, be and the same is hereby repealed. J. F. Quay substituted for J. Stilwell declined.
Pay of commissioners.
Drafts where filed.
Repealing clause.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in the event of the death or resignation of either of the commissioners herein or heretofore appointed, the Governor is hereby authorised to appoint one or more commissioners in his or their place: *Provided,* That such commissioner shall not be an inhabitant of either of the said counties of Lycoming, Tioga or Bradford. Governor to supply future vacancies.
Proviso.
Commissioners must be non residents.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 84.

A SUPPLEMENT

To "An act to incorporate the town of Columbia, in the county of Lancaster."

Corporation
to borrow
\$6000.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That power is hereby granted to the corporation of the borough of Columbia, of the county of Lancaster, to borrow money for the purpose of paying off their debts: *Provided,* That the sum borrowed shall not exceed six thousand dollars.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 85.

AN ACT

To repeal certain acts authorising religious societies, within the city and liberties of Philadelphia, to extend and fasten chains across the streets, during the time of divine service.

Acts of 4th
April, 1798,
and of 20th
February,
1816, repealed.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled "An act to prevent the disturbance of religious societies, within the city of Philadelphia, during the time of divine service," passed the fourth day of April, seventeen hundred and ninety-eight, and the act entitled "An act to extend the act, entitled 'An act to prevent the disturbance of religious societies, within the city of Philadelphia, during the time of divine service,'" passed the twentieth day of February, eighteen hundred and sixteen, be and the same are hereby repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fifteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 86.

A SUPPLEMENT

To the act, entitled "An act to incorporate the borough of Muncy, in Lycoming county."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the boundaries of the borough of Muncy, in the county of Lycoming, shall be as follows: beginning at a post, the north west corner of a lot of John Riebsam, in the middle of the Main street or road leading from Muncy bridge south, through said borough; thence south, eighty seven degrees and a half, east nineteen perches and four tenths to a post; thence still by the said lot of John Riebsam, south one degree, east twenty three perches and six tenths to a post, a corner of a lot of John M'Cleery; thence by the same and land of Isaac Walton, north eighty three degrees, east twenty two perches and one tenth to a post corner; thence by the same and over lands of Isaac Bruner, Joshua W. Alder, and Abel Edwards, south one degree east two hundred and eleven perches and seven tenths to a post, in a line of land of Abel Edwards, and the heirs of William Wood, deceased; thence along the line of the same south seventy nine degrees, west thirty one perches and eight tenth perches to a post, a corner of land of the heirs of William Wood, deceased; thence by the same, south one degree, east twenty nine perches and three tenths, to a post on land of the same; thence crossing the Main street or road leading through said borough, and on a line between land of Joshua W. Alder, and Abel Edwards, south seventy-nine degrees, west fifty three perches and four tenths, to a corner of the same; thence on a line between lands of William Watson, and Abel Edwards, and James Turner, and Amos Heacock, north one degree, west seventy perches, to a post; thence south eighty two and a half degrees west five perches and six tenths, to a pitch pine corner; thence north six degrees, west two hundred and seven perches, to a corner of lands of Ezekiel Walton, and land of the heirs of William M'Carty, deceased, thence by the line of Ezekiel Walton, and passing over land of the heirs of William M'Carty, deceased, south eighty-four and a half degrees, west sixty seven perches, to the middle of the Main street, or road leading through said borough; thence along the middle of the said street or road, south one degree, east about two perches, to the beginning.

SECT. 2. *And be it further enacted by the authority aforesaid,* Election of That at the election of officers for the said borough on the council. third Friday of March next, the qualified electors thereof shall elect nine persons for a town council, of whom the three

Classification highest in vote shall serve three years, the three next highest two years, and the three next highest one year; and at every subsequent annual election, the places of the three persons whose term is about to expire, shall be supplied by the election of three other citizens, to serve for three years: *Provided*, That if among those highest in vote more than three persons shall have an equal number of votes, the right of priority shall be decided by lot, to be drawn at the first meeting of the town council after the election, in presence of the burgess.

Proviso.
Decision of questions.

Application for damages to be made within one year.

Court to appoint six viewers.

Proviso.
Advantages to be considered.

SECT. 3. *And be it further enacted by the authority aforesaid*, That if any person has sustained, or may hereafter sustain damage by the opening or laying out streets, lanes or alleys, or the making of any drains, ditches or sewers, through or upon his land, such person may within one year, but not afterwards, make a representation, by petition, of the damage he has sustained to the court of quarter sessions of the peace of Lycoming county; and the said court shall appoint six disinterested men, to view and adjudge the amount of damage, if any, sustained; and the said amount shall be paid, after being approved by the court, out of the taxes assessed and collected for the support and regulation of the streets, alleys and highways in the said borough: *Provided always*, That it shall be the duty of the viewers in assessing damages, to take into consideration the advantages derived from such street, or other improvement passing through the land of the complainant.

Repealing section.

SECT. 4. *And be it further enacted by the authority aforesaid*, That so much of the act to incorporate the borough of Muncy, in Lycoming county, passed the nineteenth day of January, in the year one thousand eight hundred and twenty-seven, as is hereby altered or supplied, be and the same is hereby repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fifteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 87.

AN ACT

To encourage the destruction of foxes and wild cats, in the counties of Warren, Potter and Greene, and supplementary to an act, entitled A further supplement to an act, entitled An act to encourage the killing of crows and squirrels, in certain parts of this commonwealth.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the provisions of the act, entitled "An act to encourage the destruction of foxes and wild cats, in the counties of Centre, Lycoming, Adams and Perry," approved the sixth day of April, one thousand eight hundred and thirty, be and the same are hereby extended to the counties of Warren, Potter and Greene, as fully to all intents and purposes as though the counties of Warren, Potter and Greene were included and named in the said above recited act.

Act of 6th April, 1830, extended to Warren, Potter & Greene.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the treasurer of Butler county, for the time being, is hereby directed and required to receive for county taxes, under the directions of the second and third sections of the act to which this section is supplementary, all receipts for crow and squirrel scalps, the date of which shall not be later than three months from the date of the notice, given by the county commissioners, that they would make no further provision for the redemption of such receipts: *Provided,* That the amount redeemed in one year, shall not exceed three hundred dollars; and the treasurer shall give one month public notice of the substance of this section; and if at the expiration of that time, more than the aforesaid amount shall be presented to him, he shall allow in proportion to the amounts presented by the several persons as nearly as may be, so as not to make any portion or division of a single receipt; and the balance, if any, of such receipts, shall be allowed as aforesaid, in the next year, and the treasurer shall judge and may require evidence of the genuineness of such receipts, and the date thereof; and the act of the thirteenth of February, one thousand eight hundred and eleven, relative to the killing of crows and squirrels, so far as regards the county of Butler, is hereby repealed, except so far as may be necessary to carry this act into effect.

Certain duties of treasurer of Butler county relative to receipts for crow and squirrel scalps in payment of county taxes. Proviso.

Part of act of 13th February, 1811, repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fifteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 88.

AN ACT

For the relief of Christian King, a soldier of the revolutionary war.

\$40 gratuity
granted.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required, to pay to Christian King, of Bedford county, a soldier of the revolution, or to his order, forty dollars, immediately, as a gratuity, and compensation in full for revolutionary services.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fifteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 89.

AN ACT

To enable George Dearth, of Fayette county, to sell and convey certain real estate.

A certain
tract of dona-
tion land.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George Dearth, of the county of Fayette, in this commonwealth, administrator of the estate of Randolph Dearth, deceased, late a soldier in the revolutionary war, be authorised to sell and convey, or otherwise dispose of, in fee simple or otherwise, a certain tract or plantation of land, situate in the county which was formerly Westmoreland, and to make and execute an absolute and indefeasible title for the same: the tract containing about two hundred and fifty acres, it being the same land which was drawn for the said Randolph Dearth, deceased, as donation land No. one hundred and eighty-four, in the second Pennsylvania district, under an act of assembly, entitled “An act for directing the mode of distributing the donation lands promised

the troops by this commonwealth:" *Provided*, The said George Dearth, before executing a deed for the same, shall give in the orphans' court of the county where the land lies, such security as the said court shall require, for the appropriation of the proceeds of sale: *And provided also*, That nothing herein contained, shall affect or impair the right or title of any other person or persons, or of this commonwealth, in or to the tract of land mentioned or intended to be mentioned herein, but that the right and title of all such other persons or this commonwealth shall remain of the same force and effect as if this act had not been made.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fifteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 90.

AN ACT

To incorporate the American Insurance Company of Philadelphia.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That F. Duser, William G. Alexander, Andrew C. Barclay, William Craig, James Gowen, William Allen, Robert O'Neill, Michael E. Israel, Benjamin S. Bonsall, Edward N. Bridges, Simon Gratz, Abiah Sharp, Peter Hertzog, Thomas Cave, Henry Horn, Marc A. Frenaye, Jesse Smith, and Elijah Dallet, be and they are hereby appointed commissioners for receiving subscriptions to the stock of a company, to be called "The American Insurance Company of Philadelphia;" and shall open a book for that purpose in the city of Philadelphia, at a time and place by them to be appointed; of which they shall give not less than ten days notice, in two daily newspapers published in the city of Philadelphia; and the said book shall be kept open for two days between the hours of ten and two o'clock, on each day, until the number of four thousand shares, at fifty dollars per share, shall be subscribed, after which the books shall be closed; and all persons of lawful age, being citizens of the United States, shall be permitted to subscribe to the said stock; and

Commissioners appointed to receive subscriptions.

Notice required.

4000 shares at \$50.

No. restricted first day of opening book. on the first day on which the said book shall be opened no person shall be permitted to subscribe for more than five shares; but if the whole of the said stock shall not have been subscribed, the commissioners shall, on the second day thereafter, permit any person or persons aforesaid, to subscribe for any number of the shares remaining: *Provided*, That if the subscription on the first and second days should exceed the number of four thousand shares, the shares of each subscriber shall be reduced in proportion, so, however, that no individual shall, without his consent, have his subscription reduced below two shares.

Proviso.
Division of stock in case of an excess of subscription.

When stock is taken charter to issue. **SECT. 2.** *And be it further enacted by the authority aforesaid,* That when the whole number of shares in the capital stock, as aforesaid, shall have been subscribed, the said commissioners shall certify to the governor, under their hands and seals, the names of the subscribers, and the number of shares by them subscribed, respectively; and the governor shall thereupon, by letters patent under his hand and the seal of the state, erect and create the subscribers into a body politic and corporate, by the name, style and title of "The American Insurance Company of Philadelphia;" and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere; and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements and hereditaments, goods and chattels, of what nature, kind or quality soever, real, personal or mixed or choses in action, and the same, from time to time, to sell, grant, demise, alien or dispose of: *Provided*, That the lands, tenements and hereditaments, which it shall be lawful for the said company to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to its business, and such as shall have been bona fide mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted, in the course of its dealings or purchased upon judgment, which shall have been obtained for such debts, or purchased at sales on judgments of any person or body politic, where the same may be necessary to secure any debt due to the said company; and also to make and have a common seal, and the same to break, alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation and the due management and ordering of the affairs thereof.

Style.
Privileges and liabilities.

Proviso.
As to holding real estate. **SECT. 3.** *And be it further enacted by the authority aforesaid,* That the capital stock of the American Insurance company

Seal.
By-laws, &c.

Capital stock.

of Philadelphia, shall amount to two hundred thousand dollars, and be divided into four thousand shares, at fifty dollars each.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the shares in the capital stock of the said company shall be assignable and transferable, according to such rules as the directors shall make and establish: *Provided nevertheless,* That no individual or corporation shall, at the same time, hold, either directly or indirectly, more than one hundred shares of the said stock.

Shares transferable.

Proviso.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the capital stock of the said company shall be called in and paid at such time and times, and in such proportion or proportions, as the president and directors shall declare and require, giving at least thirty days previous public notice thereof; and any stockholder or stockholders, his, her or their executors, administrators or assigns, neglecting or refusing to pay all or any part of the sum or sums of money for his, her or their share or shares, in the proportion and at the time and times prescribed as aforesaid for the payment thereof, shall forfeit to the use of the company all the money by him, her or them previously paid on account of the share or shares for neglect to payment whereof such default shall be made as aforesaid, together with all right, title, interest, profit, emoluments, claim and demand, whatsoever, of, in, to or out of the capital stock and funds of the company, and the profits arising or to arise therefrom by reason or on account of the share or shares so forfeited.

Of the calling in instalments.

Shares may be forfeited for neglect to pay.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the capital stock and funds of the company may, from time to time, be vested in the public securities of the United States, or in the stock of any incorporated bank or banks in Pennsylvania, or in the stock of the bank of the United States, or in the stock of any incorporated institution within this commonwealth, or may be loaned to the state of Pennsylvania, with the approbation of a majority of the stockholders convened for that purpose, or may be loaned on the security of real estate within the state of Pennsylvania.

How funds of company may be invested.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the public securities aforesaid, and all other evidences of debt or duty, owing and belonging to the said company, shall be transferred to and taken in the name of the American Insurance Company of Philadelphia; and all deposits for the safe keeping of the moneys and securities of the company shall be made in any incorporated bank or banks, located in the city or county of Philadelphia, in such manner and terms, that the same shall always appear to be the property of the company, and shall be subject only to the drafts or orders of their proper officers, as such.

Transfers, deposits, &c. to be made in the name of company.

Power of directors as to transfer, investment, &c. of funds.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the directors of the company, for the time being, shall have full power and authority, and they are hereby expressly empowered and authorised, from time to time, to sell, dispose of, and transfer, and cause to be sold, disposed of, and transferred, all, or any of the public or other securities, stock or evidences of debt or duty, in which the capital stock and funds of the company shall be invested, as aforesaid; and the proceeds of any such sale, disposition and transfer to re-invest in the same, or in any other of the aforesaid securities and stocks, according to the provisions and regulations aforesaid.

Ten directors how & when chosen.

Proviso.
Term of service unlimited.
No votes by proxy.
Transfers 3 months prior to election.
No. of votes each.
3d proviso.
Stock, commissioners to hold first election.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the affairs of the company shall be managed by ten directors, to be chosen by ballot, on the second Tuesday in May in each and every year hereafter, who shall serve for one year next ensuing their election, and until others are chosen, and no longer: *Provided however,* That nothing herein contained shall prevent the re-election of any or all said directors; the directors shall be chosen by a plurality of the votes given, which votes must be given in by the stockholders, in person, and not otherwise; no stockholder shall vote unless the stock shall have stood in his or her name, at least three months preceding the election; and each share of stock shall be entitled to one vote: *Provided,* No individual shall be entitled to more than ten votes: *And provided,* That previous to the holding the first general election for directors, the commissioners named in the first section of this act shall be a committee for the purpose of calling, and they are hereby empowered and authorised to call, a general meeting of the members of the company, giving ten days previous public notice thereof, for the purpose of electing directors, to serve until the second Tuesday in May.

Annual meetings of stockholders.
How special meetings may be called and conducted.

SECT. 10. *And be it further enacted by the authority aforesaid,* That there shall be a general meeting of the stockholders holden at the office of the company, on the first Monday in May, in every year; and any number of stockholders who shall be proprietors of at least five hundred shares of stock, may at any other time call a general meeting of the stockholders, upon business interesting to the company, giving at least ten days previous public notice; the stockholders present shall decide upon all questions coming before any general meeting, by a plurality of votes, subject always, to the regulations hereinbefore specified in the case of election of directors, as to votes, and the ratio of voting according to the number of shares. The stockholders at their general meeting may make and ordain all necessary and lawful rules and regulations, for governing and well ordering the affairs of the company;

General powers of stockholders

they shall fix the compensation to be allowed to the president; and they may require from the directors or any other officer of the company any information which they shall think useful and proper, together with the inspection of any books, papers and documents belonging to the company, with which requisition the directors and officers shall promptly comply.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the directors, at the time of their election, shall be citizens of Pennsylvania, and resident therein; and they shall serve for one year next ensuing their election, and until other directors be chosen; each director, at the time of his election and during his continuance as such, shall be the holder of at least two shares of the stock of the company, in his own right; at the first meeting after their election the directors shall choose one of their number as president, and in the case of the death, resignation or inability of the president, or of any director, the vacancy shall be supplied by the board of directors, for the remainder of the period, only, during which such president or director was elected to serve. The directors for the time being (besides the other powers herein given) shall and may appoint such officers, clerks and other persons as they may deem necessary and proper for transacting the business of the company, allowing a reasonable compensation for the services of such officers, clerks and other persons, respectively; they shall and may also exercise all such powers and perform all such duties for the well governing and ordering of the affairs of the said company, as the stockholders at any general meeting shall declare and prescribe, and they shall prepare and lay before the stockholders at each and every general meeting a full and true statement of the affairs of the company.

Qualifications, &c. of directors.
President.
Vacancies how supplied.
General duties of directors.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the president and directors shall have full power and authority, in the name and on behalf of the company, to make all kinds of marine insurance, all kinds of insurance upon the inland transportation of goods, wares and merchandise, by water or by rail-way, and to loan money on bottomry and upon respondentia; and generally to do, transact and perform all matters and things relating to the said objects, subject always, to the regulations and restrictions herein contained, and to such regulations and restrictions as the stockholders shall, from time to time, devise and prescribe; and all policies of insurance, and other contracts and engagements may be made and entered into on behalf of the company, in pursuance and by virtue of this act, as well with the members of the company, individually, as with other persons, and shall be subscribed by the president of the American Insurance Company of Philadelphia; and all losses

Powers of president and directors relative to insurances, contracts, &c.

arising upon any policy so subscribed, shall be adjusted and paid by the president and directors, agreeably to the terms of the policy, out of the joint funds of the company, exclusively: *Provided*, That nothing in this act contained shall in any way be construed to authorise the said company to use the funds of this institution for any purposes other than those of an insurance company: *And provided also*, That no policy of insurance shall be effected by the said company, until one half of the capital stock shall be actually paid in, by the stockholders.

Proviso.
Restrictions.

2d proviso.
Half of capital must be paid in.

Meetings of board.

SECT. 13. *And be it further enacted by the authority aforesaid*, That the board of directors shall meet at such times and transact the business of the company by such a quorum as may be provided for by the by-laws.

Semi-annual declaration of dividend.

SECT. 14. *And be it further enacted by the authority aforesaid*, That the directors shall, on the first Mondays of January and July, in each and every year, declare a dividend of so much of the profits of the company as to them shall appear advisable; and such dividend shall be paid to the respective stockholders; or to their respective agents, duly empowered, in ten days after declaring the same; but the moneys received as premiums or risks which shall be undetermined at the time of declaring the dividends, respectively, shall not be computed as a part of the profits of the company.

No dividend to be declared when capital is diminished by loss.
President and directors liable.

SECT. 15. *And be it further enacted by the authority aforesaid*, That in case any loss shall at any time happen; by which the capital stock of the company shall be diminished, no dividend shall be made until the amount of such diminution shall be replaced and added to the capital; and any president, and every director consenting to declare and make and pay any dividend until the diminution is so replaced, shall be accountable for and pay to the company, for their use, the amount of the dividend declared and paid, in violation of the prohibition aforesaid.

Term of charter.

Proviso.
Settlement of accounts.

2d proviso.
Reservation of right to repeal.

3d proviso.

SECT. 16. *And be it further enacted by the authority aforesaid*, That this act shall be and continue in force until the first of January, which will be in the year of our Lord, one thousand eight hundred and fifty: *Provided*, That for the liquidation and settlement of all the past transactions and accounts of the said company, the corporate powers thereof shall be and continue effectual to all intents and purposes: *And provided further*, That if it shall appear that the charter or privileges hereby granted to the said company, are injurious to the citizens of this commonwealth, the legislature shall have full power to alter, annul and repeal this act, at any time they may think proper: *And provided further*,

That the said company shall be subject to such provisions of right to and regulations as the legislature may at any time enact, for tax. taxing the insurance companies of this commonwealth.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 91.

AN ACT

Authorising the Governor to incorporate the Washington and Pittsburg rail-road company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Thomas H. Baird, Thomas M. T. McKen-
 nan, James Ruple, John K. Wilson, Isaac Leet, John Wat-
 son and John H. Ewing, of Washington county, and Christo-
 pher Cowan, William Lea, James Herriot, John McKee,
 Francis Baily, and Ross Wilkins, of Allegheny county, be
 and they are hereby appointed commissioners, to do and
 perform the several things hereinafter mentioned, that is to
 say: they shall on or before the first day of December next,
 procure a book or books, which shall be opened in the town
 of Washington and in the city of Pittsburg, and therein
 enter as follows: "We, whose names are hereunto subscri-
 bed, promise to pay to the president and managers of the
 Washington and Pittsburg rail-road company, the sum of
 fifty dollars for every share of stock set opposite our respec-
 tive names, in such manner and proportion, and at such
 times as shall be determined by the president and managers
 of said company, in pursuance of an act of the general assem-
 bly of the state of Pennsylvania, entitled 'An act authori-
 sing the Governor to incorporate the Washington and Pitts-
 burg rail-road company.' Witness our hands, this day
 of in the year of our Lord, one thousand eight hundred
 and thirty;" and shall thereupon give notice in one
 newspaper printed in each of the counties of Allegheny and
 Washington, for three weeks at least, of the times when and
 places where the said book or books shall be kept open to

Commission-
 ers named to
 open books
 for subscrip-
 tion of stock.

Form of sub-
 scription.

\$50 per share.

Notice.

receive subscriptions for the stock of said company; at which respective times and places one or more of the commissioners shall attend, and permit persons of lawful age who shall offer to subscribe in the said books, in their own name or in the name of any other person who shall authorise the same, for any number of shares in the said stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until there shall have been subscribed five thousand shares; and if at the expiration of six days the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of five thousand shares shall be subscribed; of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed then the books shall be closed: *Provided always*, That every person offering to subscribe in the said books, in his own or any other name, shall previously pay to the attending commissioners the sum of five dollars for every share to be subscribed, out of which shall be defrayed the expense attending the taking of such subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the corporation as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

Who may subscribe. **Whole No.** 5000 shares.

Proviso. \$5 to be paid on each share at time of subscribing.

When 2500 shares are taken holders to be incorporated. **Style.** **Privileges and liabilities**

SECT. 2. *And be it further enacted by the authority aforesaid,* That when two thousand five hundred shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners, or a majority of them, may certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the sums paid thereon; whereupon the governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall hereafter subscribe, to the number of shares as aforesaid, into a body politic and corporate, in deed and in law by the name, style and title of "the Washington and Pittsburg rail road company;" and by the same name the subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions of this act; and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as

shall be necessary to them in the prosecution of their works; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECT. 3 *And be it further enacted by the authority aforesaid,* That the said named persons, or a majority of them, shall as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days previous notice, in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person, or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorised, one president and twelve managers, all of whom shall be residents of this commonwealth, a treasurer and secretary, and such other officers as shall be deemed necessary; that the president and managers aforesaid, shall conduct the business of said company until the first Monday of November, then next, and until like officers shall be chosen; and may make such by-laws, rules, orders and regulations as are not inconsistent with the constitution and laws of the United States, or of this state, and that may be necessary for the well governing the affairs of the company.

Organization.

Officers
pro tem.

SECT. 4 *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the first Monday of November, then next, as aforesaid, at such place as may be fixed upon by the by-laws, of which notice shall be given, at least twenty days, by the secretary, in the newspapers before mentioned, and shall choose, by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act: *Provided,* That the managers shall be elected in the manner following, that is to say: four managers to serve one year, four to serve two years, and four to serve three years; and on the same day, in each and every year thereafter, a like election shall take place, when the necessary officers shall be elected, and four managers to supply the places of those whose time has expired, to continue in office until others are chosen; and the stockholders shall also meet at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by laws, rules, orders and regulations, as aforesaid, and do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share, not exceeding two shares, one vote; for every two shares, above two and to shares.

Annual
election.

Proviso.

Classification
of managers.

Special meet-
ings.

General pow-
ers of stock-
holders.

Ratio of votes.

Shares must have been held three months prior to election to be entitled to vote.

Proviso.

Delinquents not to vote.

Proviso.
Shares held by transfer.

Votes by proxy.

Manner of conducting election.

Neglect to hold election, not to dissolve.

not exceeding ten, one vote; for every four shares, above ten and not exceeding thirty, one vote; for every ten shares, above thirty and not exceeding one hundred, one vote; but no share, or number of shares, above one hundred, as aforesaid, shall confer any additional right of voting; and no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide, in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor, or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no person shall be permitted to vote at the first election of said company unless he or she has fully paid five dollars on each share of stock by him or her subscribed, as directed by the second section of this act; and at all subsequent elections of said company no person shall be permitted to vote unless he or she shall have fully paid all the instalments called for and then due on the shares by him or her subscribed: *Provided*, That no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election; and all votes by proxy shall be on such terms and conditions as are prescribed by the act, passed on the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and twenty, entitled "An act to regulate proxies."

SECT. 5 *And be it further enacted by the authority aforesaid*, That the election of officers provided for in the fourth section of this act, shall be conducted in the following manner, that is to say: the managers, for the time being, shall appoint two of the stockholders, not being managers, to be judges of the said election and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman or justice of the peace, well and truly and according to law, to conduct such election to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of the voters, and when the election is closed shall count the votes and declare who has been elected; and if it shall at any time happen, that an election of president, managers, treasurer, secretary or other officer shall not be made, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful to hold and make such election of president, managers, treasurer, secretary or other officers on the same day or on any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election; and they are hereby required so to do at least once in every twenty days

till the requisite officers are chosen, and the president, managers, treasurer, secretary and other officers of the preceding year, shall in that case continue to act, and be invested with all powers belonging to their respective situations until an election shall take place; in the case of death, resignation or removal from the state, of any president, manager, treasurer, secretary or other officer, his place shall be filled by the board of managers until the next annual election.

Vacancies
how supplied.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business; and when met, seven shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book; and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers as they shall deem necessary to carry on the intended work; and to fix their salaries and wages; to ascertain the times, manner and proportions in which the said stockholders shall pay the monies due on their respective shares; to draw orders on the treasurer for monies, which orders shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary; and generally to do all such other acts, matters and things as by this act and by the by-laws and regulations of the company they are authorised to do.

Meetings of
president and
managers.
7 a quorum.

General
powers.

Orders on
treasurer.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the president and managers, first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for such share or shares by him subscribed and held, which certificate or evidence of stock shall be transferable at his pleasure, in person, or by attorney duly authorised, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however, to all payments due or to become due thereon; and the assignee holding any certificate having first caused the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation; and for every certificate, assigned to him as aforesaid, shall be entitled to a share or shares, as is therein mentioned, of the capital stock, of all the estates and emoluments of the company, incident to such share or shares, and to vote as aforesaid at the meetings thereof; and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share as the original subscriber would have been.

Certificates
of stock.

Transferable.

In what man-
ner.

Assignees
vested with
same privi-
leges as origi-
nal subscri-
bers.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if after thirty days notice, in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time, as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the president and managers may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided,* That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company shall demand and require of, and from the treasurer and all and every other the officers, and other persons by them employed, bond, in sufficient penalties, and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them, or any of them respectively committed.

SECT. 10. *And be it further enacted by the authority aforesaid,* That dividends of so much of the profits of the institution as shall appear advisable to the managers, shall be declared at least twice a year in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom; but they shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; if the managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting thereto, shall be liable, in their individual capacities, to said company for the amount of the stock so divided; and each manager present when such dividend is made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend: *Pro-*

Penalty on delay in paying instalments.

When shares may be sold.

Suits may be brought for recovery.

Proviso. Delinquents debarred from voting.

Securities of treasurer and other officers.

Semi-annual declaration of dividends.

Not to exceed nett profits nor impair capital.

Managers present liable, unless they enter protest and give notice.

vided, No dividend shall exceed twelve per cent. per annum; *And provided further*, That whenever the dividend shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividend above six per cent. into the treasury of this state, for the use of the commonwealth.

Proviso.
Dividend not to exceed 12 per cent. per annum.
All over 6 to pay state tax of 8 per cent.

SECT. 11. *And be it further enacted by the authority aforesaid*, That when actual operations shall have been commenced, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the account of the company, shewing the whole amount of their capital actually paid into the funds of the company, the sums expended, the tolls and other profits accruing within the year, and the amount of dividend declared within each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president, for the time being.

Annual abstract of accounts to be made to legislature under oath.

SECT. 12. *And be it further enacted by the authority aforesaid*, That the president, directors and company of the said rail-road company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for said rail-road, beginning at the borough of Washington, to terminate at or near the city of Pittsburg, having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the least damage to private property; and the said road shall not be more than five rods wide, and shall not pass through any burying ground, nor place of public worship, or any dwelling house, without the consent of the owner or owners thereof; nor shall it pass through any out buildings of the value of five hundred dollars, without such consent; and the said president, directors and company, shall within six months after ascertaining the route of the said rail-road, cause an accurate survey of the lines of the said road to be made; a map or plot of which survey, they shall cause to be filed in the secretary's office of this state, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of the said road, which may then be opened; and all the expenses incurred thereby, shall be defrayed by said company.

Right of company to survey, &c.

Location.

Dimensions.
Passage through buildings, &c.

Draft to be deposited in secretary's office.

SECT. 13. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the said president, directors and company and their agents, and all persons employed by or under them for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for laying out said road; and also for the purpose of searching for stone, gravel, wood or other materials for constructing said road, but no stone, sand, gravel or wood, shall be taken away from any land without the consent of the owner or owners thereof, until the rate of compensation for the same consent.

Right to enter upon lands to lay out road and for materials.

Not to be taken without consent.

be ascertained and paid; which rate of compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereinafter prescribed as to the compensation for lands over which said road may be laid.

SECT. 14. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the company hereby incorporated to make, erect and establish a rail-road on the route laid out as aforesaid; and they are also hereby empowered to erect, make and establish all works, edifices and devices to such rail-road as may by the said company be deemed expedient for the purpose of carrying into effect the objects of their incorporation; and also to contract or agree with the owner or owners for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said rail-road.

SECT. 15. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the said president, directors and company to enter in and upon and occupy, for the purpose of making said rail-road, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree on the compensation to be made for any injury, or supposed injury, that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons to estimate such damages, who shall be under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county where the land lies, and the expenses incurred by the said appraisers shall be defrayed by the said rail-road company; but if the parties cannot agree upon such persons, or if the (parties) so chosen, shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty days after the requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state or unknown, then it shall be lawful for the court of common pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to appoint six disinterested men of said county to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid, by reason of said rail-road, and report the same under their oaths or affirmations, to the said court, which report, being confirmed by the said court, judgment shall be entered thereon; and the viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company; and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages

Right of com-
pany to con-
struct works.

To purchase,
&c.

Arrangement
for settlement
of claims for
damages.

Parties to ap-
point 6 view-
ers.

Or court may
appoint them.

Oaths of
viewers.

Fees, &c.

that will be derived to the owner or owners of the said lands from the said rail-road: *Provided*, That either party may appeal to the court, within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed by the provisions of the arbitration act of the year eighteen hundred and ten, and upon the coming in of such report and the confirmation thereof, or upon final judgment or appeal therefrom; and the said company paying to such owner the sum in such report or judgment specified, in full compensation for said lands or for the injury sustained as aforesaid, the said company shall become seized of the same estate, in the said lands which the owner held in the same; and they, and all who act under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, Upon payment, or tender of payment, by the said company, of the sum specified in the report of said viewers or appraisers to the owner of said land, the said president and managers of said company, their agents or contractors for making or repairing the said road, may immediately take and use the same without awaiting the issue of proceedings as hereinbefore prescribed.

Proviso.
Right of ap-
peal within
30 days.

Payment of
award to vest
rights.

Proviso.
Company
need not wait
result of ap-
peal on tender
of award.

SECT. 16. *And be it further enacted by the authority aforesaid*, That the said rail-road shall be so constructed by the said company as not to obstruct or impede the free use and passage of any public road or roads, which may cross or enter at the same, being now laid out or hereafter to be laid out; and in all places where the said rail-road may cross, or in any way interfere with any public road, it shall be the duty of the said company to make or cause to be made a good and sufficient causeway or causeways, to enable all persons passing or travelling such public road, to cross and pass over or under the said rail-way, which causeway or causeways shall be made and maintained by the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, they shall be liable to pay a penalty of ten dollars for every day the same shall be neglected or refused to be made or repaired, after having been duly notified thereof, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable; and shall, moreover, be liable to an action or actions at the suit of any person who may be aggrieved thereby; and the service of process upon any officer or agent of said company, shall be as good and available in law as if served upon the president thereof.

Erection of
public cause-
ways.

Penalty on
neglect.

How recover-
ed.
Process may
be served on
any agent.

SECT. 17. *And be it further enacted by the authority aforesaid*, That for the accommodation of all persons owning or possessing land through which the said rail-road may or shall pass, and to prevent inconveniences to such persons in

Private
causeways to
be made.

crossing or passing the same, it shall be the duty of said company, when required, to make or cause to be made, a good and sufficient causeway or causeways wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over or under the same with wagons, carts and implements of husbandry, as the occasion may require: *Provided*, That the said company shall in no case be required to make or cause to be made, more than one such causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said rail-road may or shall pass; and where any public road shall cross the said rail-road, the person owning or possessing land through which the said road shall pass, shall not be entitled to make such requisition on said company; and the said causeway or causeways, when so made, shall be maintained and kept in repair by said company; and if said company shall refuse or neglect to make such causeway or causeways, or when made to keep the same in good repair, when duly notified thereof, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered before any magistrate or any court having cognizance thereof; and the service of process upon any officer or agent of said company shall be as good and as available in law as if served upon the president thereof.

Proviso.
Not more
than one to
each owner.

None where a
public road
crosses.

Penalty on
neglect.

Service of
process on
company.

SECT. 18. *And be it further enacted by the authority aforesaid*, That no suit or action shall be brought or prosecuted by any person or persons for penalties incurred under this act, unless said suit or action shall be commenced within twelve months next after the offence shall have been committed, or the cause of action shall have accrued; and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Owners of
land border-
ing on rail-
road may con-
nect lateral
roads there-
with:

SECT. 19. *And be it further enacted by the authority aforesaid*, That the said company shall not prevent any person or persons, being the owner or owners of land bordering on said rail-road or adjacent thereto, from making such lateral rail-roads, and to connect them with said rail-road from their said lands, as the said person or persons may conceive necessary.

Rates of toll.

SECT. 20. *And be it further enacted by the authority aforesaid*, That on the completion of the said rail-road, the said company may charge and receive tolls, and for freights in and for the transportation of goods, wares and merchandise, and for the conveyance of passengers, at the following rates that is to say: on each ton of produce, minerals, or other

commodities not enumerated below, two cents per mile; for boards, plank, scantling, or other sawed stuff, reduced to inch measure, two cents per one thousand feet; and for shingles two cents on each fifteen hundred thereof; and all fractions not less than half a ton shall be considered a ton, and on empty cars or those carrying less than half a ton one cent each; on all passengers, excepting only such as are necessarily engaged in conducting the cars, two cents each per mile, but no person or persons shall ride, lead, drive or pass along said rail-way, any horse or horses, cattle, or any animal of what kind soever, nor place any car or other carriage thereon, without a permit or license, first had and obtained from said company, subject to such rules and regulations as shall from time to time be established, by the said company, to govern the use of said rail-road: *Provided*, That on the completion of one track of a section of five miles of said rail-road, the said company shall be at liberty to charge and receive tolls according to the rates aforesaid: *And provided also*, That all persons using the said road shall only use those cars, wagons and conveyances which shall be adapted thereto, which said cars, wagons and conveyances to be used thereon, for the transportation of persons or commodities, shall be prescribed by the said company: *And provided further*, That whenever the nett proceeds shall exceed twelve per cent. on the capital expended, they shall be so reduced as not to exceed that amount.

No person to travel on rail-way without license.

Proviso.
Tolls to commence on completion of five miles.

2d proviso.
Company to direct the kind of cars to be used.

3d proviso.
When nett proceeds exceed 12 per ct. to be reduced.

SECT. 21. *And be it further enacted by the authority aforesaid*, That if any person or persons shall, wilfully and knowingly, break, injure or destroy the rail-road, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they shall forfeit and pay to the said company, the actual damages so sustained, to be sued for and recovered, with cost of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of said company, and shall also be subject to indictment in the court of quarter sessions of the proper county, and upon conviction of such offence shall be punished by fine and imprisonment, at the discretion of the court.

Penalty on wilfully injuring company's works.

How recovered.

Offenders also liable to indictment.

SECT. 22. *And be it further enacted by the authority aforesaid*, That if the president, managers and company shall not proceed to carry on said work, within two years from the passage of this act, and shall not complete the same as aforesaid in eight years, according to the true intent and meaning of this act, or if, after the completion of the said rail-road, the said corporation shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

To commence work within two and complete it in three years.

Road to be kept in order.

Capital stock
may be in-
creased to
8000 shares.

SECT. 23. *And be it further enacted by the authority aforesaid,* That if any increase of the capital stock be deemed necessary by the stockholders to complete the said rail-road, it may be lawful for the said president, managers and company, at a stated or special meeting, convened for the purpose, to increase the number of shares so that they shall not exceed in the whole eight thousand; and to receive and demand the monies for shares so subscribed, in like manner and under like penalties as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

Declaration
of right of le-
gislation to
repeal.

Proviso.
Of right to
purchase
in 30 years.

SECT. 24. *And be it further enacted by the authority aforesaid,* That if it shall appear that the privileges by this act granted are injurious to the interests of this commonwealth, the legislature reserve the right to revoke, alter or annul the charter hereby granted, at any time they may think proper: *And provided,* That the state may at any time, after the expiration of thirty years, have the privilege of purchasing the entire interest and property of the said corporation at a just and reasonable valuation or appraisement, to be made in such manner as may at any time hereafter be provided for by law.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 92.

AN ACT

To authorise the Governor to incorporate the Hummelstown, Middletown and Portsmouth turnpike road company.

Commission-
ers to open
books.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Fox, William Henderson, Joseph Hummel, John Binehouer, Joseph Brestle, Henry Smith, Martin Kendig, John M. Cammon and Jacob Hummel, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: that they

shall on or before the first day of May next, procure two books, and enter in them as follows: "We, whose names are hereunto subscribed, do promise to pay unto the president, managers and company of the Hummelstown, Middletown and Portsmouth turnpike road company, the sum of fifty dollars for every share of said stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to authorise the Governor to incorporate the president, managers and company of the Hummelstown, Middletown and Portsmouth turnpike road company.' Witness our hands the day of in the year of our Lord, one thousand eight hundred and thirty-one;" and shall thereupon give notice in two newspapers printed in the county of Dauphin, for six weeks at least, of the time and place when and where said books shall be opened to receive subscriptions for the stock of said company; at which times and places one or more of said commissioners shall attend, and permit all competent persons to subscribe in said books, in their own names or in the names of any other persons who shall duly authorise the same, for any number of shares of stock he or they may deem proper; and the said books shall be kept open, for the purposes aforesaid, at least five hours every day, for the space of ten days, and until two hundred shares shall have been subscribed: *Provided*, That if at the expiration of the said time of ten days, the aforesaid number of shares shall not have been subscribed therein, then the said commissioners, or either of them, may adjourn from time to time, as to them may appear necessary; until the whole of the aforesaid number of shares have been subscribed; and when two hundred shares have been taken, then the books to be closed.

Form of subscription.

\$50 per share.

Notice.

Whole No. : 200 shares.

Proviso. Adjournments from time to time.

SECT. 2. *And be it further enacted by the authority aforesaid,*

That whenever ten or more persons shall have subscribed one hundred or more shares, then the said commissioners shall certify the same to the Governor, together with the names of the persons so subscribing, and the number of shares taken by each; and thereupon it may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, or those who shall afterwards subscribe, into one body corporate and politic, by the name, style and title of the "President, managers and company of the Hummelstown, Middletown and Portsmouth turnpike road;" to have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as may be necessary; of taking and holding to them, their successors and assigns, and of selling, transferring and con-

When 10 persons take 100 shares to be incorporated.

Style.

Privileges, liabilities, &c.

veying, in fee simple or otherwise, any lands, hereditaments and estates, of which they may at any time be possessed; suing and being sued, and doing all other matters and things which a corporation or body politic may lawfully do.

SECT. 3. *And be it further enacted by the authority aforesaid,* That said commissioners, as soon as may be convenient, after the said letters patent may have been granted, shall give notice, in the public papers aforesaid, of the time and place when and where the said subscribers shall proceed to organize the said corporation; at which time and place, by ballot, they shall elect by a majority of votes of said subscribers, to be delivered in person, or by duly authorised proxy, one president, six managers and one treasurer, and such other officers as may be deemed necessary, to conduct the business of said company for one year; and the said president and managers, so chosen, are hereby authorised to make such by-laws, rules and regulations, as may be necessary for the well ordering and conducting the affairs of said company: *Provided,* That they be not inconsistent with the laws of this state or the United States, or the constitutions of the same; and generally to have like powers and privileges, for completing said road, and be subject to the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to take and receive like tolls and profits, in proportion to the length of said road, as are given and granted to the president, managers and company of the Lancaster, Elizabethtown and Middletown turnpike road; and said turnpike road shall commence at the Diamond, in the town of Hummelstown, in the said county of Dauphin, and be continued from thence to intersect the Lancaster, Elizabethtown and Middletown turnpike road, near the Swatara bridge, and from thence through Middletown to Portsmouth, in the county aforesaid; or the president and managers shall have the authority to commence the said road, at the Diamond, in Hummelstown, or at or near John Hacker's, upon the Downingtown, Ephrata and Harrisburg turnpike road, and to continue the same, crossing the Swatara creek, at Nisley's mill, and thence by the best and nearest way, through Middletown, to Portsmouth, in the said county: *Provided nevertheless,* That if said company shall not complete said road within three years after the passage of this act, according to the true intent and meaning thereof, it shall and may be lawful for the legislature to resume all and singular the rights, privileges and immunities, hereby granted to said company.

Organization of company.

President, 6 managers, treasurer, &c.

Proviso. By-laws.

General powers, same as Lancaster & Middletown company. Commencement and termination of road, choice of two routes.

2d proviso. If not completed in 3 years, legislature may resume privileges.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 93.

AN ACT

Providing for the payment of auditors for settling the accounts of the Eastern and Western Penitentiaries.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the auditors of the city and county of Philadelphia, and of the county of Allegheny, shall be entitled to receive two dollars each, for every day employed by them, respectively, in examining and settling the accounts of the Eastern and Western Penitentiaries, agreeably to the provisions of an act, passed on the twenty third day of April, one thousand eight hundred and twenty nine; and shall be paid by orders drawn on the respective treasurers of the Eastern and Western Penitentiaries, by the board of inspectors of the said penitentiaries, respectively. \$2 per day each, allowed to county auditors.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 94.

AN ACT

To incorporate the Little Schuylkill and Susquehanna rail-road company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Charles Sidney Cox, George Troutman, Thomas Reeves, junior, Robert Earp, Nathan Smith, and George W. Tryon, of the city of Philadelphia; George D. B. Keim, and Mathias S. Richards, of Reading, Berks county; William Audenried, Burd Patterson, of Pottsville, Schuylkill county; Christian Brobst, and Joseph Paxton, of Catawissa, Columbia county, and William McElwy and Ebenezer Daniel, of Bloomsburg, Columbia county, or any two of them, be and Commissioners appointed to open books.

Time when and places where.	they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of May next, procure five books, one of which shall be opened at the Coffee House, in the city of Philadelphia, one at the house of Thomas Kepple, in Reading, Berks county, one at the house of George C. Troutman, in Pottsville, Schuylkill county, one at the house of Christian A. Brobst, in Catawissa, Columbia county, and one at the house of William Robinson, in Bloomsburg, Columbia county; in each of which, they shall enter as follows:
Form of subscription. \$50 per share.	"We, whose names are hereunto subscribed do promise to pay to the president and managers of the Little Schuylkill and Susquehanna rail-road company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to incorporate the Little Schuylkill and Susquehanna rail-road company." Witness our hands the day of one thousand
Notice required.	eight hundred and thirty ;"and shall thereupon give notice, in one newspaper printed in the counties of Berks, Schuylkill and Columbia, and city of Philadelphia, two weeks, at least, of the times and places and when and where the said books shall be kept open to receive subscriptions for the stock of the said company, at which respective times and places one or more of the commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the said books, in their own names, or the name of any other person, who shall authorise the same, for shares in the said stock; and the said books shall be kept open, respectively, for the said purpose, at least six hours in every judicial day, for the space of six days, or until there shall have been subscribed six thousand shares; and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn, from time to time and transfer the book or books elsewhere, until the whole number of six thousand shares shall be subscribed; of which adjournment and transfer the commissioners aforesaid, shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed: <i>Provided</i> , That no person be permitted to subscribe, for more than twenty shares, on the first day, and not more than twenty, on the second day; after which any person may subscribe for any number of shares, until the whole stock is taken.
Who may subscribe.	
Whole No. 6000 shares.	
Proviso. No. limited 1st & 2d days.	
When 2000 shares are taken and \$5 paid on each, charter may issue.	

SECT. 2. *And be it further enacted by the authority aforesaid,* That when two thousand shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each (any) every share, the commissioners or a majority of them,

may certify to the governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the sum of five dollars on each share paid at the time of subscribing; whereupon the governor shall, by letters patent, under his hand and seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe, to the number of shares aforesaid, into a body politic and corporate, in deed and in law by the name, style and title of "the Little Schuylkill and Susquehanna rail-road ^{Style} company;" and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded in all courts of record and elsewhere; and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels, and all estate, real, personal or mixed, of what kind or quality soever; and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits as they may deem proper; and also to make and have a common seal, and the same to alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, ^{General powers, Privileges and liabilities} That nothing herein contained shall be considered as in any way giving to the said corporation any mining or banking privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making of the said rail-road: *Provided further*, That the said company shall at no time hold or possess any coal land, for the purpose of carrying on the coal trade. ^{Proviso. Precluded from mining and banking privileges. And from holding coal land}

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said named persons, or a majority of them, shall as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days previous notice, in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person, or by proxy, which proxy shall have been obtained and bear proxy. ^{First election and organization.} date within three months previously to the election at which such proxy shall be presented, duly authorised, one president and six managers, all of whom shall be residents of this commonwealth, a treasurer and secretary, and such other officers as shall be deemed necessary; that the president and ^{Votes by President and six managers pro tem.}

managers aforesaid, shall conduct the business of said company until the first Monday of December, then next, and until like officers shall be chosen; and may make such by-laws, rules, orders and regulations as are not inconsistent with the constitution and laws of the United States, or of this state, and that may be necessary for the well governing the affairs of the said company.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the first Monday of December, in every year, at such places as may be fixed upon by the by-laws, of which notice shall be given, at least twenty days, by the secretary, in the newspapers before mentioned, and choose, by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power and authority to make, alter or repeal, by a majority of the votes, in the manner aforesaid, all such by-laws, rules, orders and regulations, as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she shall hold, in the proportions following: for every share, not exceeding two shares, one vote; for every two shares, above two and not exceeding ten shares, one vote; for every five shares, above ten and not exceeding thirty, one vote; for every ten shares, above thirty and not exceeding one hundred, one vote; but no share, or number of shares, above one hundred, shall confer any additional right of voting; and no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of the election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide, in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor, or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person; *Provided,* That no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election; and all votes by proxy shall be on such terms and conditions as are prescribed by the act, passed on the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and twenty, entitled "An act to regulate proxies."

SECT. 5 *And be it further enacted by the authority aforesaid,* That the election of officers provided for in the third section of this act, shall be conducted in the following manner,

that is to say: the managers, for the time being, shall appoint two of the stockholders, not being managers, to be judges of the said election and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman or justice of the peace, well and truly, according to law, to conduct such election to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of the voters, and when the election is closed shall count the votes and declare who has been elected; and if it shall at any time happen, that an election of president, managers, treasurer, secretary or other officers shall not be made, the corporation shall not for that cause be dissolved; but it shall be lawful to hold and make such election of president, managers, treasurer, secretary or other officer on the same day or any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election; and the president, managers, treasurer, secretary and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations until an election shall take place; in the case of death, resignation or removal from the state, of president, managers, treasurer, secretary or other officer, his place shall be filled by the board of managers until the next annual election.

Neglect to elect, not to endanger charter.

Vacancies how filled?

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business; and when met, four shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book; and a quorum being formed, they shall have power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers as they shall deem necessary to carry on the intended work; and to fix their salaries and wages; to ascertain the times, manner and proportions in which the said stockholders shall pay the monies due on their respective shares; to draw orders on the treasurer for monies, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary; and generally to do all such other acts, matters and things as by this act and by the by-laws and regulations of the company they are hereby authorised to do.

General powers of president and managers.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said president and managers, first chosen, shall procure certificates or evidence of stock for all the shares of said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of said corporation, to each person

Stock certificates.

Transferable. for every share by him subscribed or held, which certificate or evidence of stock shall be transferable at his pleasure, in person, or by attorney duly authorised, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however, to all payments due or to become due thereon; and the assignee holding any certificate having first caused the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation; and for every certificate, assigned to him as aforesaid, shall be entitled to one share of the capital stock, of all the estates and emoluments of the company, incident to one share, and to vote as aforesaid at the meetings thereof; and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share as the original subscriber would have been.

How. *SECT. 8. And be it further enacted by the authority aforesaid,* That if after thirty days notice, in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such a space of time, as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the president and managers may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided,* That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Assignees to have same rights as original holders.

Penalty on neglect to pay instalments.

Shares may be forfeited.

Or suit may be instituted.

Proviso.

Delinquents precluded from voting.

SECT. 9. And be it further enacted by the authority aforesaid, That the president and managers of the said company shall demand and require of, and from the treasurer and all and every other the officers, and other persons by them employed, bond, in sufficient penalties, and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them respectively committed.

Security of treasurer, &c.

SECT. 10. *And be it further enacted by the authority aforesaid,* That dividends of so much of the profits of the institution as shall appear advisable to the managers, shall be declared at least twice a year in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom; but they shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; if the said managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting thereto, shall be liable, in their individual capacities, to said company for the amount of the stock so divided; and each manager present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend: *Provided,* No dividend shall exceed twelve per centum per annum: *And provided further,* That whenever the profits of said company shall exceed six per cent. per annum, on their capital stock, the said company shall pay a tax of eight per cent. on such excess, into the state treasury for the use of the commonwealth.

Dividends to be declared semi-annually.

Not to impair capital.

Managers may be liable.

Proviso.
Not to exceed 12 per cent.
State tax of 8 on all over 6 per cent.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the president and managers of the said rail-road company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a single or double rail-road, beginning at the point at which the Little Schuylkill Navigation rail-road and coal company purpose terminating their rail road, at or near the place where the Wilkesbarre state road crosses the said Little Schuylkill, or at or near the foot of the Broad Mountain; thence across the said Broad Mountain, and thence along the vallies of Messer's run and Cattawissa creek, to a point on the North Branch of the Susquehanna or on the North Branch division of the Pennsylvania canal, at or near the town of Cattawissa: *Provided,* That the said rail-road shall not be more than four rods wide, and shall not pass through any burying ground, or place of public worship, or any dwelling house, without the consent of the owner thereof; or any out buildings of the value of three hundred dollars, without such consent.

Location of rail-road.

Proviso.
Not to pass through buildings, &c. without consent.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the said president and managers and company shall have power and authority, by themselves or their superintendents, engineers, artists and workmen, to enter in and upon and occupy all land on which the said rail-road may be located; and thereon to dig and embank, make and construct the same, satisfying the owner or owners thereof; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for

Right to enter upon lands.

In case of non agreement mode of ascertaining damages.

the parties to appoint five suitable, judicious and disinterested persons of the counties of Schuylkill or Columbia, who shall be under oath or affirmation, and who shall reside within the said counties of Schuylkill or Columbia, and if they cannot agree upon such persons, then either of the parties may apply to the court of common pleas of the county in which the land may lie, and the court shall award a venire directed to the sheriff, to summon a jury of judicious and disinterested persons from the said counties of Schuylkill or Columbia, in order to ascertain and report to said court what damages, if any, have been sustained by the owner or owners of said ground by reason of the construction of said railroad through the same; which said jury of valuers, being duly sworn or affirmed, and having viewed the premises, shall proceed to estimate the quantity and quality of the land occupied by the said rail-road, and all other inconveniences which may be likely to result therefrom to the said land; and under the influence of these considerations and a just regard to the advantages which may seem likely to result to the proprietor or proprietors of the said land, from the opening of the said rail-road through the same, to make their assessment and report to the court of the county, which report, being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non payment, for the sum awarded; and the expenses incurred by the appraisers or jury, shall be defrayed by the said rail-road company: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases: *And provided also*, That if any person or persons, owning land or any other property, which shall be affected by this act, be feme covert, under age, non compos mentis, or out of the state, then, and in either of these cases, the president, managers and company, and at the cost and charges of said corporation, shall, within one year after the construction of the rail-road through the said land, represent the same to the court of common pleas of the county where the land lies, as the case may be, who shall proceed therein in the same manner and to the same effect as directed by this act in other cases.

Five viewers to be appointed. shall be under oath or affirmation, and who shall reside within the said counties of Schuylkill or Columbia, and if they cannot agree upon such persons, then either of the parties may apply to the court of common pleas of the county in which the land may lie, and the court shall award a venire directed to the sheriff, to summon a jury of judicious and disinterested persons from the said counties of Schuylkill or Columbia, in order to ascertain and report to said court what damages, if any, have been sustained by the owner or owners of said ground by reason of the construction of said railroad through the same; which said jury of valuers, being duly sworn or affirmed, and having viewed the premises, shall proceed to estimate the quantity and quality of the land occupied by the said rail-road, and all other inconveniences which may be likely to result therefrom to the said land; and under the influence of these considerations and a just regard to the advantages which may seem likely to result to the proprietor or proprietors of the said land, from the opening of the said rail-road through the same, to make their assessment and report to the court of the county, which report, being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non payment, for the sum awarded; and the expenses incurred by the appraisers or jury, shall be defrayed by the said rail-road company: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases: *And provided also*, That if any person or persons, owning land or any other property, which shall be affected by this act, be feme covert, under age, non compos mentis, or out of the state, then, and in either of these cases, the president, managers and company, and at the cost and charges of said corporation, shall, within one year after the construction of the rail-road through the said land, represent the same to the court of common pleas of the county where the land lies, as the case may be, who shall proceed therein in the same manner and to the same effect as directed by this act in other cases.

Their duties. shall be under oath or affirmation, and having viewed the premises, shall proceed to estimate the quantity and quality of the land occupied by the said rail-road, and all other inconveniences which may be likely to result therefrom to the said land; and under the influence of these considerations and a just regard to the advantages which may seem likely to result to the proprietor or proprietors of the said land, from the opening of the said rail-road through the same, to make their assessment and report to the court of the county, which report, being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non payment, for the sum awarded; and the expenses incurred by the appraisers or jury, shall be defrayed by the said rail-road company: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases: *And provided also*, That if any person or persons, owning land or any other property, which shall be affected by this act, be feme covert, under age, non compos mentis, or out of the state, then, and in either of these cases, the president, managers and company, and at the cost and charges of said corporation, shall, within one year after the construction of the rail-road through the said land, represent the same to the court of common pleas of the county where the land lies, as the case may be, who shall proceed therein in the same manner and to the same effect as directed by this act in other cases.

Report. shall be under oath or affirmation, and having viewed the premises, shall proceed to estimate the quantity and quality of the land occupied by the said rail-road, and all other inconveniences which may be likely to result therefrom to the said land; and under the influence of these considerations and a just regard to the advantages which may seem likely to result to the proprietor or proprietors of the said land, from the opening of the said rail-road through the same, to make their assessment and report to the court of the county, which report, being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non payment, for the sum awarded; and the expenses incurred by the appraisers or jury, shall be defrayed by the said rail-road company: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases: *And provided also*, That if any person or persons, owning land or any other property, which shall be affected by this act, be feme covert, under age, non compos mentis, or out of the state, then, and in either of these cases, the president, managers and company, and at the cost and charges of said corporation, shall, within one year after the construction of the rail-road through the said land, represent the same to the court of common pleas of the county where the land lies, as the case may be, who shall proceed therein in the same manner and to the same effect as directed by this act in other cases.

Expenses to be borne by company. shall be under oath or affirmation, and having viewed the premises, shall proceed to estimate the quantity and quality of the land occupied by the said rail-road, and all other inconveniences which may be likely to result therefrom to the said land; and under the influence of these considerations and a just regard to the advantages which may seem likely to result to the proprietor or proprietors of the said land, from the opening of the said rail-road through the same, to make their assessment and report to the court of the county, which report, being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non payment, for the sum awarded; and the expenses incurred by the appraisers or jury, shall be defrayed by the said rail-road company: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases: *And provided also*, That if any person or persons, owning land or any other property, which shall be affected by this act, be feme covert, under age, non compos mentis, or out of the state, then, and in either of these cases, the president, managers and company, and at the cost and charges of said corporation, shall, within one year after the construction of the rail-road through the said land, represent the same to the court of common pleas of the county where the land lies, as the case may be, who shall proceed therein in the same manner and to the same effect as directed by this act in other cases.

Proviso. Appeal within 30 days. shall be under oath or affirmation, and having viewed the premises, shall proceed to estimate the quantity and quality of the land occupied by the said rail-road, and all other inconveniences which may be likely to result therefrom to the said land; and under the influence of these considerations and a just regard to the advantages which may seem likely to result to the proprietor or proprietors of the said land, from the opening of the said rail-road through the same, to make their assessment and report to the court of the county, which report, being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non payment, for the sum awarded; and the expenses incurred by the appraisers or jury, shall be defrayed by the said rail-road company: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases: *And provided also*, That if any person or persons, owning land or any other property, which shall be affected by this act, be feme covert, under age, non compos mentis, or out of the state, then, and in either of these cases, the president, managers and company, and at the cost and charges of said corporation, shall, within one year after the construction of the rail-road through the said land, represent the same to the court of common pleas of the county where the land lies, as the case may be, who shall proceed therein in the same manner and to the same effect as directed by this act in other cases.

2d proviso. For cases where owners of land are absent, &c. shall be under oath or affirmation, and having viewed the premises, shall proceed to estimate the quantity and quality of the land occupied by the said rail-road, and all other inconveniences which may be likely to result therefrom to the said land; and under the influence of these considerations and a just regard to the advantages which may seem likely to result to the proprietor or proprietors of the said land, from the opening of the said rail-road through the same, to make their assessment and report to the court of the county, which report, being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non payment, for the sum awarded; and the expenses incurred by the appraisers or jury, shall be defrayed by the said rail-road company: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases: *And provided also*, That if any person or persons, owning land or any other property, which shall be affected by this act, be feme covert, under age, non compos mentis, or out of the state, then, and in either of these cases, the president, managers and company, and at the cost and charges of said corporation, shall, within one year after the construction of the rail-road through the said land, represent the same to the court of common pleas of the county where the land lies, as the case may be, who shall proceed therein in the same manner and to the same effect as directed by this act in other cases.

Right to enter upon contiguous land for materials. *SECT. 13. And be it further enacted by the authority aforesaid*, That the president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wagons and other carriages, and beasts of draught or burden, may enter upon the lands contiguous and near the said rail-road, first giving notice to the owners or occupiers thereof, and from thence to take and carry away timber, stone, gravel, sand or earth, doing as little damage thereto as possible, and repair-

ing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done thereon; but no timber, stone, gravel, sand or earth shall be taken away from any improved land, without the consent of the owner or owners thereof, until compensation for the same be first ascertained and paid; the amount whereof, if the parties do not agree, shall be assessed and valued as hereinbefore mentioned in the twelfth section of this act.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the said rail-road shall be four feet eight and an half inches in the clear, between the tracts or rails, and shall be so constructed as not to obstruct or impede the free use or passage of any public road or roads which may cross or enter the same, now laid out or hereafter to be laid out; in all cases where the said rail-road may cross, or in any manner interfere with any public road, the said company shall make or cause to be made a good and sufficient causeway or causeways, to enable all persons passing or travelling such public road, to cross and pass over said rail-road; and if the company shall neglect or refuse to make such causeway or causeways, or when made to keep the same in good repair, they shall be liable to a penalty of ten dollars for every day the same shall be so neglected or refused to be made or repaired, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of the like amount are by law recoverable; and shall, moreover, be liable to all actions at the suit of any person who may be aggrieved thereby.

SECT. 15. *And be it further enacted by the authority aforesaid,* That for the accommodation of all persons owning or possessing lands through which the said rail-road may pass, it shall be the duty of the said company, to make or cause to be made, a good and sufficient causeway or causeways wherever the same may be necessary to enable the occupant or occupants of said land, to cross or pass over the same, with wagons, carts and implements of husbandry, as occasion may require; and the said causeway or causeways, when so made, shall be maintained and kept in good repair by said company; and if the said company shall neglect or refuse, on request, to make such causeway or causeways, or when made to keep the same in good order, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person in consequence of such neglect or refusal, to be sued for and recovered before any magistrate or court having cognizance thereof: *Provided,* That said company shall in no case be required to make or cause to be made more than one causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said rail-road may pass; and where any public road shall cross said rail-road, the

Not to be taken without consent.

Dimensions of rail-road.

Erection of public causeways.

Penalty on neglect.

How recovered.

Private causeways.

To be kept in repair.

Proviso. Not more than one for each owner.

None where a public road crosses.
 2d proviso. Right of owners of land to intersect and to erect additional causeways.

person owning or possessing land through which said public road shall pass, shall not be entitled to require the company to erect any causeway for the accommodation of the occupant of such land: *Provided further*, That any person or persons owning lands through which the said rail-road may pass, shall have the right to intersect the main road with such lateral rail-road, as occasion may require; and that any owner of land through or over which said rail-road may pass, shall have the privilege of making such additional causeway or causeways on his or her own land, as he or she may deem necessary: *Provided*, The said additional causeway or causeways be made in the same manner as those constructed by said company, and so as in no way to injure said rail-road or impede the passage thereon.

3d proviso.

Suits for penalties must be commenced within twelve months.

SECT. 16. *And be it further enacted by the authority aforesaid*, That no suit or action shall be prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or actions shall be commenced with twelve months next after the offence committed or the cause of action accrued, and the defendant in any such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Process may be served on any agent.

SECT. 17. *And be it further enacted by the authority aforesaid*, That in all suits or actions brought against the said company, the service of process on any manager, toll gatherer or other officer of the company, shall be as good and available in law as if made on the president thereof.

Penalty on doing wilful injury to works.

SECT. 18. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully and knowingly break, injure or destroy the rail-road hereby authorised, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they shall forfeit and pay to the said company three times the actual damages so sustained, to be sued for and recovered with full costs, before any court having cognizance thereof, by action of debt, in the name and for the use of said company.

How recovered.

Rates of toll.

SECT. 19. *And be it further enacted by the authority aforesaid*, That on the completion of the said rail-road, the company aforesaid may charge on all goods, wares, minerals and merchandize transported thereon, a toll not exceeding the following rates, that is to say: on coal, gypsum, lime, lumber, boards, shingles, staves and heading, one and a half cent per ton per mile, and on all articles not enumerated, two cents per ton per mile; and it shall be lawful to charge and receive on all single and detached articles, weighing less than a ton, an advance of twenty per cent. on the rates above established; and on all passengers conveyed on the said rail-road, one and a half cent for every mile they may

travel. It shall be further lawful for the president and managers of the said company, to prescribe the kind of carriages, wagons and conveyances which shall be used on the said rail-road for the transportation of persons or commodities, and to adopt such regulations in relation to the transit of wagons and carriages on the road, as may seem to them most conducive to the interest of the public and of persons using the same.

SECT. 20. *And be it further enacted by the authority afore-* said, That the said president and managers shall have power to purchase with the funds of the said company, and place on the rail-road, constructed by them under this act, all machines, wagons, vehicles, carriages and teams, of any kind whatsoever, which they may deem necessary and proper for the purposes of transportation; and that they may also, to any extent which they may deem advisable, transport all goods, wares, minerals and merchandize, or other articles which may be offered them for transportation, and all passengers wishing to be conveyed on their rail-road; and the said president and managers may charge for toll and freight on all articles, and for all passengers so conveyed by them, their officers or agents, not exceeding twice the rates granted in the preceding section of this act for toll alone: *Provided*, That they shall in this case be required to transport to the termination of the said rail-road, or to any other point on the said rail-road, in the order in which they, their officers and agents, shall be requested to transport the same, all goods, wares, minerals and merchandize, or other articles which shall have been deposited at the company's depots or convenient to the said road, so that equal and impartial justice shall be done to all owners of property by the said company, who shall pay or tender to the officers of the company the toll and freight due under this act on the goods, wares, minerals and merchandize, or other articles which they may wish transported: *Provided also*, Should the receipts for toll and transportation authorised by this act, not enable the president and managers within three years after the execution of the rail-road, to make a dividend of six per cent. on the capital stock of the same, that in that case the said president and managers, shall be authorised to raise the said rates so as to produce six per cent. and should the rates for toll and transportation as raised, enable the president and managers in any one year to divide more than twelve per cent., that then the said rates shall be reduced so as not to exceed twelve per cent.

Company to
prescribe
kind of cars
to be used.

Right of com
pany to trans-
port goods &
passengers.

Proviso.
Goods to be
transported
from depots
in order of
requests.

2d proviso.
Toll, &c. to
be so regu-
lated as to
produce 6 per
cent. and not
more than 12.

SECT. 21. *And be it further enacted by the authority afore-* said, That the president and managers of said company, may agree with the proprietors for the purchase of any quantity of land not exceeding three acres at any one place, which may be necessary for a depot or for the accommoda-

Company
may purchase
land for de-
pots, &c. not
more than 3
acres.

tion of a toll house, or a house to cover any stationary engine or machine, or for stables, which may be required on said rail-road.

Work to be commenced in 2 years and completed in seven.

SECT. 22. *And be it further enacted by the authority aforesaid,* That if the president and managers and company shall not proceed to carry on said work, within two years from the passage of this act, and shall not complete the same within seven years as aforesaid, according to the true intent and meaning of this act, or if, after the completion of the said road, the said company shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

Capital stock may be increased to \$500,000.

SECT. 23. *And be it further enacted by the authority aforesaid,* That if any increase of the capital stock be deemed necessary by the stockholders to complete the said road, it may be lawful for the said president, managers and company, at a stated or special meeting, convened for the purpose, to increase the number of shares so that the capital of said company shall not exceed five hundred thousand dollars; and to receive and demand the monies for shares so subscribed, in like manner and under like penalties as are hereinbefore provided for in the original subscription, or as shall be provided for by their by-laws.

After 3 years annual statement under oath to be furnished to legislature.

SECT. 24. *And be it further enacted by the authority aforesaid,* That at the end of the third year after the charter shall be obtained, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the accounts of the company, showing the amount of capital paid in, and the debts of said company, the amount received for tolls and transportation, and the rates charged, and the amount of dividends declared, which abstract shall be verified by the oath of the president or treasurer of said company.

Reservation of right to repeal.

SECT. 25. *And be it further enacted by the authority aforesaid,* That if it shall hereafter appear to the legislature, that the privileges by this act granted are injurious to the citizens of this commonwealth, or if the said company shall at any time charge unreasonable tolls or an unreasonable price for transportation, or shall misuse or abuse any of the privileges hereby authorised to be granted, it shall be lawful for the legislature to revoke, alter or annul the charter hereby authorised to be granted.

Other rail-roads may connect with this.

SECT. 26. *And be it further enacted by the authority aforesaid,* That all rail-roads now or hereafter to be constructed by authority of the legislature, in the vicinity of the said rail-road, shall have authority to intersect the same at such points as the accommodation of trade may from time to time require, and are hereby authorised to use and employ similar

vehicles, carts or carriages as are or may be used on said road by said company, subject to the same tolls and restrictions as are imposed by this act.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-first day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 95.

AN ACT

To erect the town of New Cumberland, in the county of Cumberland, into a borough.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of New Cumberland, in the county of Borough Cumberland, shall be and the same is hereby erected into limits. a borough, which shall be called the borough of New Cumberland, and shall be bounded and limited as follows, viz: beginning at the mouth of Yellow Breaches creek; thence up said creek to the most southermost alley of said village; thence up said alley to the north line of said village, bounded by lands of John Crist; thence down said line to the river Susquehanna; thence down said river to the place of beginning.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough entitled to vote for Time and members of the general assembly, having resided within the place of election for borough at least six months immediately preceding the election for borough officers, and within that time paid a borough tax, (if such tax shall have been assessed,) shall have power, on the second Friday of May next, to meet at the house of John Poist, innkeeper, in the said borough, and annually thereafter, at such convenient place in the said borough, as shall have been fixed on by the by-laws of the corporation for that purpose; and then and there between the hours of one and six in the afternoon, elect by ballot, one respectable citizen residing therein, who shall be styled the chief burgess, one other and town citizen who shall be styled the assistant burgess, and five council.

citizens to be a town council; and shall also elect as aforesaid, one citizen as high constable, all of whom shall be residents of said borough; but previous to the opening of said election, such of the inhabitants as are present at the said place of election, shall elect two citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted throughout according to the general election laws of this commonwealth, and who shall be subject to the same penalties as for mal-practices as by the said laws are imposed; and the said judges, inspector and clerks, before they enter on the duties of their respective offices, shall take an oath or affirmation before any justice of the peace of the said county, to perform the same with fidelity; and after the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected; and in case any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the two judges, in the presence of the inspector and clerks; whereupon, duplicate certificates of said election shall be signed by the said judges, one of which shall be transmitted to the person elected chief burgess, and the other filed among the records of the corporation; and it shall be the duty of the high constable, for the preceding year, to give notice in writing to each of the persons so elected as aforesaid; and in case of the death, resignation, removal or refusal to accept, of any of the said offices, or if it should at any time happen that no election should be holden on the day and in the manner aforesaid, the corporation shall not on that account be dissolved; but the chief burgess, or in his absence or inability to act, the assistant burgess shall issue his precept directed to the high constable, to hold an election in manner aforesaid, to supply such vacancy, giving at least eight days notice by six advertisements set up in the most public places in said borough: *Provided*, That the citizens of said borough shall be entitled to vote at the first election, although they shall have paid no borough tax.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the second Friday in May next, chief burgess, assistant burgess and town council, duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of the chief burgess, assistant burgess and town council of the borough of New Cumberland, and shall have perpetual succession; and the said chief burgess and town council, and their successors, shall be capable in law to have, get, receive, hold and possess, goods and chattels, lands and tenements, in fee simple or otherwise, not exceeding the yearly value of three thousand dollars; and also to grant, sell, let and assign the same goods and chattels, lands and tenements;

High constable.

Manner of conducting election.

Vacancies or omissions, how supplied and remedied

Proviso. Voters at first election.

Officers elect, incorporated.

General powers.

and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law of this commonwealth, in all manner of actions whatsoever; and to have and to use one common seal, and the same from time to time, at their will, to change and alter, until it be otherwise directed by law.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person duly elected chief burgess, assistant burgess, member of the town council or high constable, as aforesaid, and having received notice thereof as directed by this act, shall refuse or neglect to take upon himself the execution of the said office to which he shall have been elected, or having taken upon him the duties of said office, shall neglect to discharge the same according to law, every person so refusing or neglecting shall for every such offence forfeit and pay the sum of ten dollars, which fine and all fines and forfeitures incurred and made payable in pursuance of this act, or any of the by-laws and ordinances of the town council, shall be for the use of the said corporation, and shall be recoverable before any justice of the peace, in the same manner as debts not exceeding one hundred dollars are recoverable by the laws of this commonwealth, and shall be forthwith paid to the treasurer of the borough; and it shall be the duty of the officers of said borough, on receiving the money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided*, That no person elected as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in five years.

Penalty on refusal to accept office.

How recovered and appropriated.

Proviso. Exemption 4 years out of 5.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the town council shall meet on the first Monday next after their election in each year, at such place as a majority of them shall agree upon, and choose one of their number president, who shall preside at all their meetings; and it shall be the duty of the said council, (three of whom shall be a quorum,) to hold quarterly meetings on the third Saturdays in April, July, October and January in each year, and oftener if occasion requires, at which meetings they may enact, alter, revise, repeal and amend all such by laws, rules, regulations and ordinances, as shall be determined by a majority of them necessary to promote the peace, good order, benefit and advantages of the said borough, particularly of providing for the regulation of markets, improving, repairing and keeping in good order, the streets, lanes, alleys and highways, ascertaining the depth of vaults, sinks, pits for necessary houses, and making permanent rules relative to the foundation of buildings, party walls and fences; they shall assess, apportion and appropriate such taxes as shall be determined by a majority of them necessary for carrying the said rules and ordinances from time to time into complete effect; and also to appoint a town clerk, treasurer, street

Meetings of town council.

3 a quorum.

Duties, powers, privileges, &c.

Proviso.
Of the by-
laws.

2d proviso.
Limit to rate
of tax.

3d proviso.
Oaths of
office.

Collection of
taxes.

Powers of
chiefburgess.

Duties of
town clerk.

supervisor, clerk of the market and a collector, annually, and such other officers as may be deemed necessary from time to time, and the same officers from time to time to remove for misdemeanor in office: *Provided*, That no by-laws, rules or ordinances of the corporation shall be repugnant to the constitution or laws of the United States or of this commonwealth; and that no person shall be punished for the breach of a by-law or ordinance of the said corporation, until ten days have expired after the promulgation thereof, by at least three advertisements set up in the most public places in the said borough: *And provided also*, That in assessing such tax, due regard shall be had to the valuation of taxable property taken for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed on cent in the dollar of such valuation, unless some object of general utility shall be thought necessary; in which case three fourths of the taxable inhabitants of said borough shall approve and certify the same in writing under their hands, to the town council, who shall proceed to assess the same accordingly: *And provided further*, That before the chief burgess, assistant burgess, members of the town council and high constable, shall enter on the duties of their respective offices, they shall take and subscribe an oath or affirmation before any justice of the peace of said county, to support the constitution of the United States and of this state, and to perform the duties of their respective offices with fidelity, which certificates of said oaths and affirmations shall be filed among the records of the said corporation.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the chief burgess elected and qualified agreeably to this act, or in his absence or inability to act, the assistant burgess is hereby authorised to issue his precept as often as occasion may require, directed to the collector, commanding him to collect all taxes so assessed, and the same to pay over to the treasurer; and the said chief burgess, or in his absence or inability to act, the assistant burgess is hereby authorised to carry into effect all by-laws and ordinances enacted by the town council, and whatever else shall be enjoined on him or them, for the well ordering and governing said borough; and shall also have power to mitigate or remit fines and forfeitures in all cases when it shall appear that the person or persons so fined, did not offend intentionally, or on their having some or other just and reasonable excuse to plead in his or their behalf.

SECT. 7. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled upon business of the corporation, and perform the business of clerk thereto; and keep and preserve the common seal and records of the corporation, and be answerable for the same; and also for

the faithful discharge of the duties which may be enjoined upon him by virtue of this act or by the by-laws and ordinances of the corporation; and his attestation, with the seal of the corporation, shall be good evidence of the act or thing so certified.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the delivery of all moneys, books and accounts appertaining thereto, into the hands of his successors, upon demand made for that purpose. Security of treasurer.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the street supervisor, treasurer, high constable, clerk of the market and collector, as well as other officers that may be appointed by the corporation or council, shall in the month of May, yearly, render their accounts to the said council for settlement; and the said accounts being so adjusted and settled, shall be forthwith published by the council, shewing particularly the amount of taxes laid and collected, and all moneys paid into the treasury, and the amount of expenditures. Annual settlement of accounts.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the chief burgess, assistant burgess and president of the council, or any two of them, shall constitute a court of appeal; and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax, and of the time and place of appeal: *Provided* nevertheless, That the said court of appeal shall have no other power as such than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same. Court of appeal. Power restricted.

SECT. 11. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable to give notice of the annual election of the said borough, to be held in pursuance of this act, by setting up five advertisements in the most public places in said borough at least ten days previous thereto; he shall attend and see the election is opened in time and in the manner directed by this act: *Provided*, That the constable of the township of Allen, for the time being, shall publish and superintend the election to be held on the second Friday in May next, as hereinbefore directed. High constable to give notice of annual election. Proviso. Constable of Allen township to superintend first election.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the town council shall from time to time fix the compensation of the high constable, town clerk, treasurer, clerk of the market and such other officers as may be appointed under this act, which compensation shall be paid out of the borough treasury by orders drawn thereon, signed by the president of the council, and shall not be increased or diminished during the time for which said officers were ap- Compensation of borough officers.

Proviso.
Penalty on
refusal to
serve.

2d proviso.
Once in five
years.

Right of ap-
peal by per-
sons aggrieved.

pointed, respectively: *Provided*, That if any person appointed by the town council as aforesaid, shall neglect or refuse to take upon himself the duties of the office to which he shall be so appointed, he shall for the same forfeit and pay for the use of the corporation, the sum of ten dollars, unless he can render to the said council a satisfactory reason why he should be exonerated from such service: *And provided also*, That no person appointed as aforesaid, shall be liable to fine for refusing or neglecting to serve more than once in five years.

SECT. 13. *And be it further enacted by the authority aforesaid*, That if any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, except in what relates to the appointments made by the town council, he, she or they may appeal to the next court of common pleas to be held for the said county, upon giving security, according to law, to prosecute his, her or their appeal with effect; and the said court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty first day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 96.

AN ACT

Authorising the laying out a state road from the ferry, on the Ohio river, opposite the town of Economy, in the county of Beaver, to intersect the roads leading from Frankford and Georgetown, to Pittsburgh, at the village of Clinton, in the county of Allegheny.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That David Scott and James Johnston, of Beaver county, and Nathaniel Patterson, of Allegheny county, are hereby appointed commissioners to lay out by courses and distances, a state road, beginning at the ferry, on the Ohio river, opposite the town of Economy, in the county of Bea-

Commission-
ers appointed
to lay out
road.

ver, to intersect the roads leading from Frankfort and Georgetown, to Pittsburg, at the village of Clinton, in the county of Allegheny.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, or a majority of them, after taking an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity, carefully to view the ground over which the said road may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and other important circumstances will permit, and in such manner that the vertical departure from a horizontal line shall at no point exceed five degrees, unless it be at the crossing of ravines and streams, where by moderate filling or bridging the declination of the road may be preserved within that limit, except the hill at the Ohio river. Their oaths and duties.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, or a majority of them, in choosing the ground, to have due regard to the crossing of water, to the declination and nature of the ground, to the expense of the townships, to the damages to private property, and to all other circumstances affecting the route, so that by a judicious and skilful combination of them, the route finally adopted may best promote the public good. To regard crossing of water, expenses, damages, &c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, plainly and distinctly to mark upon the ground the route agreed upon for the road as aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorised to employ two chain bearers, one axe man, and one staff bearer, at a per diem allowance not exceeding seventy-five cents. To mark routes on ground.
To employ assistants.

SECT. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners to make out a fair and accurate draft of the said location, noting thereon the courses and distances from point to point, as they occur, the improvements they pass through, and also the crossings of county and township lines, roads or waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of December next, and one copy in the office of the clerk of the court of quarter sessions of the respective counties aforesaid, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and thenceforth, the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid. Drafts of location.
Where deposited.
Road declared a highway.

Compensation of commissioners.

Accounts to be adjusted by commissioners of Beaver and Allegheny.

Meeting of commissioners.

Vacancies to be filled by Governor.

Commissioners to take releases.

To be filed.

Court of quarter sessions of Beaver may within two years grant views and reviews of a certain state road.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the compensation of the commissioners shall be one dollar and fifty cents each for every day necessarily employed by virtue of this act; and the accounts of the said commissioners, for their own pay and the pay of their hands as aforesaid, shall be adjusted and allowed by the commissioners of Beaver and Allegheny counties, and paid by the treasurers thereof, on warrants drawn in the usual way, each county to pay in proportion to the distance said road may pass through the same; the commissioners shall meet at the said ferry on the second Monday of May next, or as soon thereafter as possible, and complete the said work as soon as practicable; and if any vacancy or vacancies shall happen by the resignation of one or more of the commissioners, or by any other cause, the Governor is hereby authorised to fill the vacancy or vacancies by a suitable appointment.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners to take from each and every person or persons owning lands along the roads, by them respectively to be laid out, acquittances or releases from any blame or damages, upon the condition that such road shall pass through such person or persons land or lands, and to file the same in the commissioners' office in the proper county.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of the peace, in the county of Beaver, shall have authority, upon application by petition, to them made, at any time within two years from the passage of this act, to grant views and reviews, to vacate or change the route of the state road leading from Greensburg or Darlington, in Beaver county, to the Ohio state line, in the direction of Petersburg, in like manner and the like orders, proceedings and judgment, shall be thereupon had as are authorised and practised in vacating or changing the location of public roads and highways, any law to the contrary notwithstanding.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-first day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 97.

AN ACT

Authorising the Governor to incorporate the Hydraulic company of the borough of Berwick.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Hadley, George Mack and Ashbel B. Wilson, or any two of them, are hereby appointed commissioners, to do and perform the several matters and things hereinafter mentioned, that is to say: they shall, on or before the first day of May next, procure a book, and enter therein as follows: "We, the subscribers, promise to pay to Form of the trustees of the Berwick Hydraulic company, the sum of heading. twenty-five dollars for every share set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the said trustees, in pursuance of an act of the General Assembly, entitled 'An act authorising the Governor to incorporate the Hydraulic company of the borough of Berwick.' Witness our hands, the day of Anno Domini, ;" and shall thereupon give notice in one or more newspapers in the county of Columbia for the space of twenty days, or more, when and where the said books shall be opened to receive subscriptions of stock, which place shall be in the said borough of Berwick, at which time and place one or more of the said commissioners shall attend, and shall keep the said books open until one hundred shares shall be subscribed: *Provided,* That every person offering to subscribe in his own name, or in the name of any other person, shall previously pay to the attending commissioners, five dollars for every share to be subscribed. Commissioners to open books. Whole No. 100 shares. Proviso. \$5 to be paid on each share at time of making subscription.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when three or more persons shall have subscribed fifteen shares, or more of the said stock, the said commissioners shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, to the Governor of the commonwealth, whereupon he shall, under his hand and the seal of the state, create and erect the subscribers, and also those who shall afterwards subscribe, and their assigns, into one body politic and corporate, in deed and in law, by the name, style and title of "the Hydraulic company of the borough of Berwick;" by which name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital When 3 persons take 15 shares Governor to incorporate. General powers.

stock, and the increase and the profits thereof, and of enlarging the same by new subscriptions, if it shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them, their successors and assigns, and of selling and transferring in fee simple, or for any less estate, such lands, tenements, hereditaments and estates, real or personal, as shall be necessary in the prosecution of their works, and of suing and being sued, and of doing every matter and thing which a corporation or body politic may lawfully do.

Election of
trustees pro
tem.

One vote
each share.
President.

Treasurer &c.

Annual
elections.

Vacancies.

Proviso.
No misnomer
&c. to annul
charter.

No stockhold-
er to have
more than
five votes.

Company in-
vested with
same powers
as granted in
certain sec-
tions of an act
incorporating
Berwick wa-
ter company.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said commissioners shall, as soon as conveniently may be, after the letters patent are obtained, give ten days notice, in one or more of the newspapers printed in the county of Columbia, of the time and place for the subscribers to meet and hold an election for officers of the company, who shall then and there choose by ballot, three trustees, who shall be stockholders, to conduct the affairs of the company until the first Saturday of May, one thousand eight hundred and thirty-two then next ensuing; and in all elections each stockholder shall be entitled to one vote for each share bona fide held by him. And the said trustees shall appoint one of their number president of their board, who shall sign all contracts and certificates of stock. The said trustees shall have power to appoint a treasurer, and such other officers as may be necessary. And the elections of trustees shall be held annually on the first Saturday of May, at such place as shall be appointed by the trustees, of which at least ten days notice shall be given in some newspaper printed in the county, and when vacancies happen the trustees shall supply them from among the stockholders until the next election: *Provided*, That no misnomer nor failure of election of trustees on the day appointed, shall discontinue or dissolve the said corporation. But the trustees shall continue in office until a new election, which shall be made at such time and place, and after such notice, as the board of trustees shall prescribe: *Provided*, That no stockholder shall have more than five votes at any election, whatever number of shares he may hold.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said company and the trustees shall have the same powers and privilege, and be under the same regulations, and do and perform all and singular the things, duties, and be governed by the same laws, rules and regulations, as are prescribed for the president and managers of the Berwick water company, in sections fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh, of an act of assembly passed twenty-seventh day of January, eighteen hundred and eighteen, entitled "An act authorising the Governor to incorporate the Berwick water company:" *Provided*, That

nothing therein contained shall prevent the said trustees, or any two of them, from doing and performing all and singular the duties, and exercising the same powers and privileges as are enjoined and given by the sections aforesaid, to the president and managers of the said company.

Trustees to have same authority as president and managers.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-first day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 98.

AN ACT

Incorporating the towns of Lawrenceville and Covington, in Tioga county.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Lawrenceville, in the county of Tioga, shall be and the same is hereby erected into a borough, under the name and title of the borough of Lawrenceville, bounded and limited as follows: beginning at the western bank of the Tioga river, at low water mark, at the New York state line; thence up the several courses of the said river, to the south line of Ira Kilbun's land, on the west side of said Tioga river; thence north eighty-six degrees, west parallel to the west line of James Ford's land; thence to and along the said western line of James Ford's land, to the New York state line; thence along the said line, to the place of beginning.

Borough boundaries of Lawrenceville.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled to vote for members of assembly, who have resided in said borough six months previous to any election, to meet at some convenient house in said borough, to be selected and agreed upon by the burgess and council of said borough, on the fourth Monday of May next, and then and there to elect by ballot, between the hours of one and six in the afternoon, one citizen residing therein, who shall be styled the burgess

Election of officers pro tem.

Manner of conducting election. of said borough, three citizens residing therein to be a town council, one citizen as town constable, one person as overseer of the poor, and one person as supervisor to repair the streets and alleys, in said borough; but previously to the opening of such election, the citizens present shall elect three persons to discharge the duties of judge, inspector and clerk, according to the general election laws of this commonwealth, who shall be subject to the same penalties for mal-practices as by the said election laws are imposed; and the said judges, inspector and clerk, before they enter on the duties of their respective offices, shall take an oath or affirmation before some judge or justice of the peace, to perform the same with fidelity, and after the said election shall be closed, shall declare the persons having the greatest number of votes duly elected; whereupon, duplicate certificates of said election shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to the prothonotary's office of said county, and the other filed among the records of said corporation; and it shall be the duty of the clerk of said election, to give notice in writing to each of the said persons so elected as aforesaid; and in case of vacancy by death, resignation or otherwise, the burgess, or in case of his inability, any two of the town council, shall issue a precept to the constable of said borough, or other suitable person, requiring him to hold an election to supply such omission or to fill such vacancy, he giving at least ten days notice by advertisements set up at four of the most public places in said borough: *Provided*, That the citizens of said borough shall be entitled to vote at the first election, although they have not paid a borough tax.

Vacancies.

Proviso. Qualification of voters.

Classification of council. *SECT. 3. And be it further enacted by the authority aforesaid,* That on the Monday next, after the said election, the members of the town council, elected as aforesaid, shall be convened at some suitable place in said borough, and shall then and there, by lot, divide themselves into two classes, and the seats of the members of the first class shall be vacated at the end of one year; of the second class, at the expiration of the second year, counting the year, as commencing for corporate purposes, on the first Monday of June.

Burgess and council incorporated. *SECT. 4. And be it further enacted by the authority aforesaid,* That the burgess and town council, elected as aforesaid, and their successors, forever, shall be one body politic and corporate, in law, by the name of the burgess and town council of the borough of Lawrenceville, and shall have perpetual succession; and the burgess and town council, aforesaid, and their successors, forever, shall be capable, in law, to have, get, receive, hold and possess lands, tenements, rents, liberties, jurisdiction, franchises and hereditaments, to them and their successors, in fee simple, or otherwise, all goods, chattels and other things, of what nature or kind soever, not ex-

General powers.

ceeding the yearly value of two thousand dollars; and to have, grant, sell, let and assign the same lands, tenements, hereditaments, rents, goods and chattels; and by the name aforesaid they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of this commonwealth, or before any justice of the peace in Tioga county, in all manner of actions whatsoever; and to have and use one common seal, and the same from time to time, at their will, to change and alter.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough, entitled to vote as aforesaid, shall, on the fourth Monday of May next, ensuing the aforesaid election, and on the same day in every year thereafter, meet at the place appointed, and elect, in manner aforesaid, one burgess, one town constable, one overseer of the poor, one supervisor, and two members of council, to supply the places of the members of council, vacated in the manner aforesaid; which election shall be held and conducted in all respects as hereinbefore required.

Annual election of officers

SECT. 6. *And be it further enacted by the authority aforesaid,* That if any person, duly elected burgess, member of the council, town constable, overseer of the poor, or supervisor, as aforesaid, or appointed to any office, as hereinafter provided, and having received notice thereof, as required by this act, shall refuse or neglect to take upon himself the execution of said office, or having taken upon himself the execution of such duties, shall neglect to discharge the same according to law, every person so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of twenty dollars; which fine, and all other fines and forfeitures incurred and made payable by this act or any other of the by-laws and ordinances of the town council, shall be for the use of the said corporation, and may be recovered before any justice of the peace in the same manner that debts of equal amount are by law recoverable; and when so recovered, shall be forthwith paid to the treasurer of the borough.

Penalty on refusal to accept offices.

How recovered and appropriated.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the burgess, town council, and constable and each of them, shall take an oath or affirmation, before some judge or justice of the peace of said county or burgess of the said borough, to support the constitution of the United States and of this state, and to perform the duties of their respective offices with fidelity; and the certificates of such oaths and affirmations shall be filed among the records of the said corporation.

Oaths of office.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the burgess and town council to meet as often as occasion may require, and enact, ordain, revise, repeal and annul, all such by-laws, rules, regulations and ordinances, assess, apportion and appropriate

Meetings and duties of burgess and council.

such taxes as shall be determined by a majority of them necessary to promote the peace, good order, benefit and advantage of said borough; to repair and keep in good order the streets, alleys and highways, and also to appoint a town clerk, treasurer, collector, and such other officers as may be deemed necessary by the said burgess and council; but no by-law, rule or ordinance, enacted as aforesaid, shall be repugnant to the constitution and laws of the United States or of this state; and no person shall be punished for a breach of any law or ordinance, enacted for the regulation of said borough, unless the same shall have been published for three successive weeks in some newspaper printed in said borough, or a true copy thereof set up at four of the most public places in said borough; and no by-law, ordinance or regulation shall be carried into effect in less than three weeks after such publication: *Provided*, That in laying such tax due regard be had to the valuation of taxable property, assessed or hereafter to be assessed for the purpose of raising county rates and levies, and that no tax for the support and regulation of the streets, alleys and highways, or for the support of the poor, shall exceed in any one year, for either of those purposes, one cent on the dollar of such valuation, unless some object of general utility should require the same, in which case a majority of the taxable inhabitants of said borough, by writing, under their hands, shall approve of and certify the same to the burgess and council, who may then proceed to assess the same accordingly.

Proviso.
Limit to rate
of tax.

Collection of
taxes.

General powers of burgess

SECT. 9. *And be it further enacted by the authority aforesaid*, That the burgess elected agreeably to this act, is hereby authorised to issue his precept to the constable, collector, or other fit person, commanding him to collect all taxes assessed, and fines and forfeitures imposed by this act, or by the ordinances and regulations of the burgess and council, and the same to pay over to the treasurer; and the said burgess is hereby empowered to carry into effect all by-laws enacted by the council and whatever else shall be enjoined on him for the well ordering and governing said borough; he shall have judicial jurisdiction in all cases of fines imposed by this act or the by-laws and ordinances of the council, and in all disputes between the corporation and individuals arising under and by the virtue of this act, or under and by virtue of the laws and ordinances of the council, and for these purposes may issue process of summons, subpoena, and writs of execution, and such other writs as may be necessary for the exercise of such jurisdiction, directed to the constable of the borough; or in case of his inability to execute such process, to the supervisor.

Court of appeal from borough tax.

SECT. 10. *And be it further enacted by the authority aforesaid*, That the burgess, president of the council pro tem. treasurer and town clerk, or any two of them, shall consti-

tute a court of appeal, and prior to the collection of any borough tax they shall appoint a day of appeal, of which, and the amount of his or her tax, and the place where the appeal will be held, the collector shall notify each resident taxable by a written notice, at least ten days before the day of appeal; and when the said tax shall have been properly adjusted, it shall be the duty of the burgess, or in his absence or inability to act, of the treasurer, and he is hereby authorised to issue his precept to the collector, commanding him to collect all taxes so assessed, and vesting with him the like powers and authorities given to the collectors of county rates and levies by the laws of this commonwealth; and the amount so collected shall be forthwith paid into the treasury for the use of the corporation.

SECT. 11. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all duties which may be enjoined on him by virtue of this act or the acts of the corporation; and his attestation with the seal of the corporation shall be good evidence of the thing or act certified in all cases where the original would have been received. Duty of town clerk.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the treasurer shall give security for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successors of all moneys, books and accounts pertaining thereto, upon demand being made by the burgess or council; that the treasurer, constable or collector, as well as all other officers who may be appointed by the council, shall render their accounts whenever required so to do, which accounts being adjusted and settled, shall be published once in each year in some newspaper printed in the borough, or by advertisements set up at four of the most public places in said borough, particularly showing the amount of taxes laid and collected, and the expenditures. Security of treasurer.
Annual publication of accounts.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the constable shall give notice of the annual election in the same way as is prescribed in regard to township elections, and shall have the same power as other constables of this commonwealth for keeping the peace; he shall execute all process or precepts directed to him by the burgess, and shall be liable to a fine of five dollars for neglect of duty, and shall have the compensation that is allowed to other constables for the same or similar services, and shall, at the next court of quarter sessions of Tioga county after his election, deliver to the clerk of said court a certificate of his election, certified by the judge, inspector and clerk Duty of constable.
Fine of \$5 for neglect.

His bond, &c. of the election, and shall give bond and security for the faithful performance of his duty, as other constables are by law required to do, which bond shall be for the same uses and intents, and in all things as available as the bonds of other constables in this commonwealth; and shall have similar powers with other constables to execute process, civil and criminal, issued by justices of the peace of the county of Tioga, and directed to him as constable of the borough of Lawrenceville.

Persons aggrieved may appeal to court upon giving security, &c. **SECT. 14.** *And be it further enacted by the authority aforesaid,* That if any person or persons shall think him, her, or themselves aggrieved by any thing done in pursuance of this act, of any law or ordinance under the authority of the same, except what relates to the assessing and collecting of borough taxes, and appointments made by the burgess and council as aforesaid, he, she or they may appeal to the next court of common pleas to be held for the county of Tioga, upon giving security according to law to prosecute his, her, or their appeal with effect; and the said court having taken such order therein as to them shall seem just and reasonable, the same shall be final and conclusive.

Presiding officer of council. **SECT. 15.** *And be it further enacted by the authority aforesaid,* That the burgess shall preside in all meetings of the council, and in case of his absence or inability to act, a president pro tem. may be appointed by the members present.

Exemption from operation of road laws, &c. **SECT. 16.** *And be it further enacted by the authority aforesaid,* That nothing contained in the general road laws shall be deemed to extend to the said borough; and the general elections held therein, and returns thereof shall remain as heretofore.

Persons named to superintend first election. **SECT. 17.** *And be it further enacted by the authority aforesaid,* That Job Geer, Micajah Seelye and Henry H. Potter, of said borough, or either of them, shall publish and superintend the first election for borough officers, on the fourth Monday in May next after the passage of this act, at the place appointed by law for holding the general election in said borough; and they are hereby directed to give five days notice, by advertisements as before directed in other cases of election, of the time and place of holding the same.

Borough boundaries of Covington. **SECT. 18.** *And be it further enacted by the authority aforesaid,* That the town of Covington, in the county of Tioga, shall be, and the same is hereby erected into a borough, under the name and title of the borough of Covington, bounded and limited as follows: beginning at a post at the junction of Trout-alley and the east and west state road; thence south five degrees, east along the west side of said alley, thirty-four perches to a post; thence north eighty-five degrees, east seventy-three perches to a post; thence north half a degree, west along the line of land owned by Ephraim B. Gerould and John Rush, sixty perches to a post; thence

south eighty-five degrees, west seventy perches to a post; thence south five degrees, east thirty-nine perches to the place of beginning.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth sections of this act, shall be applicable to, and in full force and virtue with regard to the borough of Covington, in Tioga county; and that James Wicks, Hiram Thomas and Francis E. Youngs, or either of them, shall publish and superintend the first election for borough officers, on the fourth Monday of May next, (and the school house in said borough shall be the place of holding the borough elections until altered by a majority of the taxable inhabitants of the said borough,) and they are hereby directed to give five days notice of the time of holding such election.

Fifteen of the foregoing sections made applicable to Covington.
First election for officers.

SECT. 20. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, it shall not be lawful for any horses, cattle, sheep or swine, to run at large within the incorporated bounds of said borough, except by an ordinance of the corporation especially for that purpose, the right to pass or enact which shall be vested in the burgess and town council, any law to the contrary notwithstanding.

Swine, cattle, &c. running at large.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-first day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 99.

AN ACT

Authorising the laying out a state road from the junction of the Philadelphia and Great Bend, and Easton and Belmont turnpike roads, in the county of Pike, to the public road leading from Priceburg to the Delaware Water Gap, in the county of Northampton,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Levers and Joseph Houser, of Northampton county, and John Price, of Pike county, are hereby appointed Commission-ers to lay out a road.

pointed commissioners to lay out, by courses and distances, a state road, beginning at or near the intersection of the Philadelphia and Great Bend turnpike road, with the Easton and Belmont turnpike road, in Pike county; thence by the nearest and best route to the public road leading from Priceburg to the Delaware Water Gap, in the county of Northampton, at or near the forks of Broadhead's creek.

Oaths, duties, &c. **SECT. 2.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, or a majority of them, after taking an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity, carefully to view the ground over which the said road may pass, and lay out the same as near to a straight line, between the aforesaid points, as the nature of the ground and other important circumstances will permit, and in such manner that the vertical departure from a horizontal line shall at no point exceed five degrees, unless it be at the crossing of ravines and streams, where by moderate filling or bridging the declination of the road may be preserved within that limit.

Duty of commissioners in certain matters. **SECT. 3.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, or a majority of them, in choosing the ground, to have due regard to the crossing of water, to the declination and nature of the ground, to the expense of the townships, to the damages to private property, and to all other circumstances affecting the route, so that by a judicious and skilful combination of them, the route finally adopted may best promote the public good.

To mark route on ground. **SECT. 4.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, plainly and distinctly to mark upon the ground the route agreed upon for the road as aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorised to employ two chain bearers, one axe man and one staff bearer, at a per diem allowance not exceeding seventy-five cents.

To employ assistants. **SECT. 5.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners to make out a fair and accurate draft of the said location, noting thereon the courses and distances from point to point as they occur, the improvements they pass through, and also the crossings of county and township lines, roads or waters, with such other matters as may serve for explanation; one copy whereof, shall be deposited in the office of the Secretary of the Commonwealth on or before the first day of December next, and one copy in the office of the clerk of the court of quarter sessions of the respective counties aforesaid, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and thenceforth the said road shall be, to

Drafts of location.

Where to be deposited.

all intents and purposes, a public highway, and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts aforesaid.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the compensation of the commissioners shall be one dollar and fifty cents each, for every day necessarily employed by virtue of this act; and the accounts of the said commissioners, for their own pay and the pay of their hands as aforesaid, shall be adjusted and allowed by the commissioners of Pike and Northampton counties, and paid by the treasurer thereof, on warrants drawn in the usual way. The commissioners shall meet at the intersection of the turnpike roads aforesaid, on the second Monday of May next, or as soon thereafter as possible, and complete the said work as soon as practicable; and if any vacancy or vacancies shall happen by the resignation of one or more of the commissioners, or by any other cause, the governor is hereby authorised to fill the vacancy or vacancies by a suitable appointment.

Compensation of commissioners.

Accounts how adjusted.

Meeting of commissioners.

Vacancies to be supplied by Governor.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners to take from each and every person or persons owning lands along the roads by them respectively to be laid out, acquittances or releases from any blame or damages, upon the condition that such road shall pass through such person or persons land or lands, and to file the same in the commissioners office in the proper county.

Commissioners to take releases.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the sum of three hundred dollars be, and is hereby appropriated for the purpose of aiding in opening and improving the said road; and the governor is hereby authorised on or before the first Monday in May next, to draw his warrant on the state treasurer in favor of Robert Levers and Philip Fisher, of Northampton county, and George Hilyard, of Pike county, for the aforesaid sum of three hundred dollars, to be expended by them or their order, on their entering into a bond to the commonwealth, with two or more sufficient sureties, for the faithful and judicious expenditure of said money, which sureties shall be approved by the court of common pleas of Pike and Northampton counties; and for the services thus rendered the commissioners shall receive one dollar for every day necessarily spent, which sum shall be paid out of the treasury of Pike and Northampton counties, each paying an equal portion; and the accounts of said commissioners shall be settled with the Auditor General in the usual way.

\$300 appropriated to opening road.

How to be drawn and expended.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the sixth section of an act laying out certain state

Repeal of a certain section of former law.

roads, passed the sixteenth day of April, one thousand eight hundred and twenty-nine, be and the same is hereby repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-first day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 100.

AN ACT

To extend the provisions of an act, entitled "An act relative to the patenting of lands," passed the eighth day of April, Anno Domini, one thousand eight hundred and twenty-nine.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all and every of the provisions of an act, entitled "An act relative to the patenting of lands," passed the eighth day of April, Anno Domini, one thousand eight hundred and twenty-nine, be and the same are hereby extended, and shall continue in full force and operation for the term of one year, from and after the eighth day of April next, ensuing: *Provided,* That persons who have or may hereafter execute a mortgage or mortgages to the Governor, for the use of the commonwealth, to secure the purchase money and interest due on lands, may pay the whole or any part of the amount due, in advance, at any time within the period limited by the mortgage.

Act of 8th of April, 1829, extended one year.

Proviso. Relative payments in advance on mortgages.

Persons proceeded against under 3d section of act of 22d March, 1820, to have benefit of this law.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all persons against whom suits have been instituted, under the third section of An act directing the recovery of the principal and interest due the commonwealth, approved the twenty-second day of March, one thousand eight hundred and twenty, shall be entitled to the same privileges and provisions as is provided by the first section of this act, and that no further prosecution of said suits shall be enforced till the expiration of the said term of one year.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-first day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 101.

AN ACT

Changing the time of holding the elections of the New Alexandria and Conemaugh, and New Alexandria and Pittsburg turnpike road company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the stockholders of the New Alexandria and Conemaugh, and New Alexandria and Pittsburg turnpike company, shall after the first day of March next, elect their managers on the first Monday of January, one thousand eight hundred and thirty-two, and annually thereafter. To first Monday of January.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of the act passed the tenth of April, eighteen hundred and twenty-six, entitled A supplement to the act, entitled An act relative to turnpike road and bridge companies, in which the state holds stock, as relates to the companies aforesaid, as is hereby altered, be and the same is hereby repealed. Repeal of so much of act of 10th April, 1826.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-first day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 102.

A FURTHER SUPPLEMENT

To the act, entitled "An act for the regulation of the militia of this commonwealth," passed the second of April, eighteen hundred and twenty-two, so far as relates to the Union Greys, of Wrightsville, in York county.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act prescribing that volunteer companies, not attached to a volunteer battalion, shall be attached to Greys exempted from training with militia.

and trained with the militia on days of regimental or battalion training, be and the same is hereby repealed, so far as respects the Union Greys, of Wrightsville, in York county.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-first day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 103.

A FURTHER SUPPLEMENT

To the act, entitled "A supplement to the act, entitled An act to compel assignees to settle their accounts, and for other purposes."

Judges of
common pleas
to appoint 2
appraisers.

Their oaths.

Duties.

Report to
court.

Compensa-
tion.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in lieu of the mode now provided on the subject, it shall be the duty of the courts of common pleas, or in vacation, one of the judges of said court, in all cases of voluntary assignments, on application by creditors or others interested, to them made for that purpose, to appoint two disinterested and competent citizens to appraise all the property, real, personal and mixed, assigned and transferred to assignees under such voluntary assignments; and it shall be the duty of such appraisers, first being duly sworn or affirmed according to law, either in open court or before some justice of the peace or alderman, to act with impartiality and fidelity, to make an inventory and appraisement of the property so assigned; and having first procured the oath or affirmation taken according to law, of the assignor or assignors, and of the assignee or assignees, that to the best of their knowledge and belief, the said inventory and appraisement is of all the property, real, personal and mixed, assigned and transferred as aforesaid, shall return the said inventory and appraisement to the court, where it shall be filed of record; for which services the said appraisers shall receive the same compensation as is now allowed by law to auditors, in the orphans' court; and that it shall and may be lawful for the

district court or court of common pleas of the proper county, ^{In case of re-} on the application of the said appraisers, stating the refusal of as- signors or assignees to take said oath or affirmation, to issue a citation to any such as- signor or assignee, and to cause to be administered the oath or affirmation aforesaid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in all cases when assignees, under voluntary assignments, shall neglect or refuse to enter the security which they are now by law directed to give, it shall be lawful for the courts of common pleas, on application to them for that purpose by any person interested in such voluntary assignment, to call such defaulting assignees before them and to dismiss them from the said trust, and to appoint other suitable persons in their places and stead, who shall cause to be made the inventory and appraisement, and shall give the security required by law in cases of voluntary assignment; and the assignees appointed by the said court by virtue of this act, shall be vested with all the rights, privileges and authorities, and be subject to all the liabilities and duties which would or could belong to the assignees originally designated in the assignment.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the provisions of an act passed the fourteenth day of April, eighteen hundred and twenty eight, entitled "An act to prevent the failure of trusts, to provide for the settlement of accounts of trustees, and for other purposes," be and the same are hereby extended to the court of common pleas of the county of Philadelphia.

SECT. 4. *And be it further enacted by the authority aforesaid,* That upon the settlement of the accounts of any assignee or assignees, trustee or trustees, to the satisfaction of the court to which such accounts shall be presented, it shall and may be lawful for the court to order and direct the prothonotary to cancel the bond or bonds of such assignee or assignees, trustee or trustees, which bond or bonds shall remain of record in said court.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-first day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 104.

AN ACT

To continue the improvement of the state by canals and rail-roads.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be and hereby is made the duty of the canal commissioners, to complete as soon as practicable, the whole of the rail-road between the rivers Schuylkill and Susquehanna, as the extent and route thereof are stated in their report of the twenty first day of December, one thousand eight hundred and thirty, beginning at the intersection of Vine and Broad streets, in the city of Philadelphia, and thence extending to the end of the canal basin at Columbia, in the county of Lancaster, a distance of eighty-one miles and three fourths of a mile, through the counties of Philadelphia, Montgomery, Delaware, Chester and Lancaster; towards the expenditures whereof, during the present year, the sum of six hundred thousand dollars is hereby specifically appropriated, to be paid out of the loan hereinafter mentioned: *Provided however,* That the said commissioners shall complete the first twenty miles of the said rail-road, proceeding from Philadelphia westwardly, and cause the said part of the said rail road to be finished with double tracks, engines and all other means to make it useful for transportation, with the least possible delay: *And provided also,* That before the canal commissioners shall contract for any part of the rail-road between the western shore of the river Schuylkill and the intersection of Vine and Broad streets, the mayor, aldermen and citizens of Philadelphia, by their proper authorities, shall engage to construct and continue a rail-road from the intersection of Vine and Broad streets, down Broad street to Cedar street; and also, that they be and are hereby authorised to intersect and construct a branch or branches of rail road from any point or points of the Pennsylvania rail-road, east of the river Schuylkill, not farther north than Francis street, and carry the same to any point or points on the rivers Schuylkill or Delaware, within the limits of the said city; and to charge and receive the same tolls as may be charged on the Pennsylvania rail-road, according to distance: *And provided also,* The said commissioners may cause the bridge across the Schuylkill to be constructed in such a manner that the same shall be suitable for the accommodation of carriages and passengers, other than those passing upon the rail-road; the tolls to be charged for passing upon which shall be fixed by the canal commissioners.

\$500,000 appropriated to Columbia and Philadelphia rail-road.

Proviso. Completion of first 20 miles from Philadelphia.

2d proviso. Citizens of Philadelphia to construct a rail-road down Broad to Cedar st.

Authorised to construct branches.

Same tolls as on state road.

Proviso. Construction of Schuylkill bridge.

Toll to be fixed by commissioners.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said canal commissioners shall proceed forthwith to complete the projected canal, between the western termination of the rail-road at Columbia, and the best point of junction with the Pennsylvania canal at Middletown, in the county of Dauphin, including an aqueduct in the line of the said canal, over the river Swatara, and out-let locks to the river at Columbia; for the expenses and costs of which canal, aqueduct and out-let locks, the sum of one hundred and sixteen thousand one hundred and seventy dollars is hereby specifically appropriated, to be paid out of the loan hereinafter mentioned.

\$116,170 appropriated to complete canal from Columbia to Middletown.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said canal commissioners shall commence forthwith and prosecute, without delay, a rail-road over and across the Allegheny mountains, from the basin at Hollidaysburg, in the county of Huntingdon, to Johnstown, in the county of Cambria, a distance of about thirty-eight miles, according to the extent, route and plan thereof, stated in their report of the twenty-first day of December, one thousand eight hundred and thirty, excluding the plan of a tunnel as recommended by Moncure Robinson in his report of the twenty-first November, one thousand eight hundred and twenty-nine; and also, that they shall commence and prosecute, without delay, the extension of the Juniata division of the Pennsylvania canal, from the town of Huntingdon, in the county of Huntingdon, to the basin at Hollidaysburg, in the same county, either by canal or slack water navigation; towards the expenditures of which rail-road and canal or slack water navigation, as specified in this section, during the present year, the sum of seven hundred thousand dollars is hereby specifically appropriated, to be paid out of the loan hereinafter mentioned.

Rail-road from Hollidaysburg to Johnstown.

Canal or slack water from Huntingdon to Hollidaysburg.

\$700,000 appropriated.

SECT. 4. *And be it further enacted by the authority aforesaid,* That for the purpose of relieving the several turnpike road companies, that is to say: the Harrisburg, Carlisle and Chambersburg turnpike road company, and the Chambersburg and Bedford turnpike road company, and the Bedford and Stoystown turnpike road company, and the Stoystown and Greensburg turnpike road company, and the Bedford and Somerset turnpike road company, and the Somerset and Mount Pleasant turnpike road company, and the Williamsport and Washington turnpike road company, and the Washington and Pittsburg turnpike road company, the further sum of one hundred and twenty-five thousand dollars is hereby appropriated, to be paid by the State Treasurer to the said companies, pro rata, according to the amount of their debts, as stated in their several reports made to the Auditor General; and the said companies are hereby required to appropriate the sums so received by them, in the pay-

\$125,000 appropriated to relief of sundry turnpike road companies.

Pro rata distribution. State to be a stockholder for amount given.

ment, pro rata, of their respective debts, upon condition that the state shall be a stockholder in the capital stock of the several turnpike road companies, to the extent of the sums thus appropriated to the relief of the said companies respectively.

West Branch division.

\$200,000 appropriated from Muncy dam to mouth of Bald Eagle. \$25,000 of the above sum appropriated to the Lewisburg communication.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said canal commissioners shall extend without delay, by canal or slack water navigation, the West Branch division of the Pennsylvania canal, from the Muncy dam, in the county of Lycoming, to the mouth of the Bald Eagle creek, in the same county; towards the expenses whereof, during the present year, the sum of two hundred thousand dollars is hereby specifically appropriated. Also a water communication between the town of Lewisburg, in Union county, and the nearest and best point on the said West Branch division of the Pennsylvania canal; for which the sum of twenty-five thousand dollars is hereby specifically appropriated: *Provided*, That the same be paid for out of the said sum of two hundred thousand dollars last mentioned, if in the judgment of the canal commissioners the same be sufficient for both purposes: *And provided*, That in constructing a dam across the Susquehanna, at that point, the said dam shall not exceed two feet and a half in height, and shall be so constructed as not to injure or impede the navigation of said river. Also, the North Branch division of the Pennsylvania canal, from the pool of the Nanticoke dam, in the county of Luzerne, by canal or slack water navigation, not to exceed fifteen miles, in the same county; towards the expenses whereof, during the present year, the sum of one hundred thousand dollars is hereby specifically appropriated. Also, make a canal or slack water navigation from the Allegheny river, at the mouth of French creek, and up that creek to the French creek feeder; towards the expenses whereof, during the present year, the sum of sixty thousand dollars is hereby specifically appropriated. Also, make a canal or slack water navigation from the Ohio river, at the mouth of Big Beaver creek, up that creek to the town of Newcastle; towards the expenses whereof, during the present year, the sum of one hundred thousand dollars is hereby specifically appropriated; all the said several specific appropriations in this section mentioned, to be paid out of the loan hereinafter mentioned.

Proviso. Dimensions, &c. of dam.

North Branch division from Nanticoke dam 15 miles.

\$100,000 appropriated.

From Allegheny river to French creek feeder. \$60,000 appropriated.

From Ohio river to Newcastle.

\$100,000 appropriated.

Governor authorised to borrow on permanent loan \$2,483,161 88.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the Governor of this commonwealth be and he is hereby authorised to borrow on the credit of this commonwealth, and such fund as shall be created for securing the punctual payment of the interest and reimbursement of the principal, the sum of two millions four hundred and eighty-three thousand one hundred and sixty-one dollars and eighty-eight cents, payable in instalments, in such manner as he may designate in proposals for said loan; which sum shall be paid to and

vest in the commissioners of the internal improvement fund, to be applied by them to the repayment of the temporary loan of two hundred and fifty thousand dollars, authorised by the act of January twelfth, one thousand eight hundred and thirty-one, and to the payment of the contracts necessary to finish work heretofore authorised, and the residue in the manner and for the purposes directed by this act: *Provided*, That no engagement or contract shall be entered into which shall preclude the commonwealth from reimbursing the said loan at any time after the expiration of twenty-five years, from the first day of July next: *And provided further*, That no rate of interest beyond five per cent. per annum shall be allowed or paid for the said loan.

How vested and applied.

Proviso.
Loan redeemable in 25 years.

2d proviso.
Rate of interest limited.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the canal commissioners shall not be authorised to incur debt on the faith of the state, in any way or manner beyond the appropriation aforesaid.

Commissioners not to exceed appropriations.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty first day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 105.

AN ACT

To incorporate "The Pennsylvania Horticultural Society."

WHEREAS, a number of persons have associated for the purpose of promoting and encouraging horticulture, by improving the growth of vegetables, plants, trees, fruits and flowers, and of introducing into our country new varieties and species, and the said persons are desirous of becoming incorporated: Therefore,

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the persons who now constitute the Pennsylvania Horticultural Society, or who shall hereafter be admitted members of the same, shall be and hereby are declared to be a body politic and corporate, by the name and style of

Incorporation

Style. "The Pennsylvania Horticultural Society," to have succession, to plead and be impleaded, sue and be sued in all courts of record or elsewhere; and be capable to take, hold and enjoy lands within three miles of the city of Philadelphia, and tenements and hereditaments, goods and chattels, and the same from time to time to sell, grant, demise, alien and dispose of; to use a common seal, and to alter or renew the same at pleasure: *Provided*, That the clear value of the real estate held by them shall at no time exceed the sum of twenty thousand dollars: *And provided further*, That said society shall not sell any seeds or plants, except those which shall be of new varieties and species imported by said society.

General powers. **SECT. 2.** *And be it further enacted by the authority aforesaid*, That the officers of the said corporation shall be such as the said corporation may think necessary, who shall be elected annually, or otherwise as the rules and by-laws of the corporation may direct.

Proviso. **SECT. 3.** *And be it further enacted by the authority aforesaid*, That the said corporation, when convened upon due notice given to the members by public advertisement or otherwise, shall have power and authority to make, ordain and establish such and so many rules, by-laws and ordinances, relating to the times of meeting, the admission of members, the powers and duties of the officers thereof, and the ordering of the other concerns of the said corporation, as they may deem necessary and proper: *Provided*, That no rule, by-law or ordinance as aforesaid, shall be valid, if inconsistent with the constitution and laws of this state or of the United States.

Limit to value of real estate. **SECT. 4.** *And be it further enacted by the authority aforesaid*, That the present officers of the said society shall continue in their respective stations until an election shall be made under this act, and the rules, by-laws and ordinances now in force, not inconsistent with the constitution and laws of this state or of the United States, shall be good and valid until altered, amended or abrogated by the corporation.

2d proviso. **SECT. 5.** *And be it further enacted by the authority aforesaid*, That the legislature reserves the right of altering, repealing or revoking the privileges hereby granted.

Relative to sale of seeds.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 106.

AN ACT

Authorising the Governor to incorporate the Robbstown bridge company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Doctor Bela Smith, Henry Fulton, William Linn, A. Plumer and James Bell, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall on or before the first day of May next, procure a book or books, which shall be opened in Robbstown, Mount Pleasant and Greensburg, in the county of Westmoreland, and therein enter as follows: "We, whose names are hereunto subscribed, promise to pay to the president and managers of the Robbstown bridge company, the sum of fifty dollars for every share of stock set opposite our respective names, in such manner and proportions and at such times as shall be determined by the president and managers of said company in pursuance of an act of the general assembly of the state of Pennsylvania, entitled 'An act authorising the Governor to incorporate the Robbstown bridge company.' Witness our hands, this day of in the year of our Lord, one thousand eight hundred and thirty ;" and shall thereupon give notice in such newspapers of the county aforesaid, as they may deem proper, for three weeks at least, of the times when and places where the said book or books shall be kept open to receive subscriptions for the stock of said company; at which respective times and places, one or more of the commissioners shall attend and permit persons of lawful age who shall offer to subscribe in the said books in their own name or in the name of any other person who shall authorise the same, for any number of shares in the said stock; and the said books be kept open respectively for the purpose aforesaid, at least six hours in every juridical day for the space of six days or until there shall have been subscribed eighty shares; and if at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time and transfer the book or books elsewhere, until the whole number of eighty shares shall be subscribed; of which transfer and adjournment, the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided always,* That every person offering to subscribe in the said books in his

Commissioners named to open books.

Form of subscription.

\$50 per share.

Notice.

Who may subscribe.

Whole No. 80 shares.

Provide.

\$2,50 to be paid on each share at time of subscribing.

own or any other name, shall previously pay to the attending commissioners the sum of two dollars and fifty cents for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the corporation as soon as the same shall be organised and the officers chosen as hereinafter mentioned.

When stock is taken subscribers to be incorporated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when eighty shares of stock shall have been subscribed and the sum of two dollars and fifty cents paid on each and every share, the commissioners, or a majority of them, may certify to the Governor under their hands and seals the names of the subscribers and the number of shares subscribed by each; whereupon, the Governor shall by letters patent under his hand and the seal of the commonwealth, create and erect the subscribers of the shares aforesaid into a body politic and corporate in deed and in law, by the name, style and title of "the Robbstown bridge company;" and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation for erecting a bridge across the Youghiogheny river at Robbstown, where the turnpike comes to the bank of said river; and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary, to fulfil the intentions of this act; and of purchasing, taking and holding to them and their successors and assigns, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Style.

General powers.

Governor to subscribe \$6,000.

SECT. 3. *And be it further enacted by the authority aforesaid,* That for the purpose of completing the erection of the bridge aforesaid, across the Youghiogheny, at Robbstown, where the turnpike road intersects said river, the Governor of this commonwealth is hereby authorised, on behalf of this commonwealth, to subscribe one hundred and twenty shares of stock, amounting to six thousand dollars, and the same is hereby specifically appropriated for that purpose; and the said bridge shall be constructed under the advice and direction of the canal commissioners or their superintendent, so that it may be permanently and substantially erected, and with the least possible delay; and when the said bridge is completed and the Governor is notified thereof, by at least one of the canal commissioners or their superintendent, in conjunction with the commissioners aforesaid, then in that case the Governor shall draw his warrant on the treasurer of

Bridge to be built under direction of canal commissioners.

the commonwealth for the sum last aforesaid, to the person or persons holding a certificate from the commissioners aforesaid for work done; and further, at the same time as aforesaid the governor shall appoint three managers on behalf of this commonwealth, in conjunction with two managers elected by said company, and to be annually appointed and elected thereafter, one of whom shall serve as president, and one as treasurer of said company: the board thus appointed and elected shall take and subscribe an oath or affirmation, before some judge or justice of the peace, faithfully and impartially to discharge their respective duties as president, treasurer, and managers of said company.

When completed money to be paid to contractors. Governor to appoint three managers, company to elect two Other officers. Oaths or affirmations.

SECT. 4. *And be it further enacted by the authority aforesaid,* That when the bridge aforesaid is completed, and ready for travellers, &c. to pass over the same, the managers aforesaid shall apply to the judges of the court of quarter sessions of the peace in and for the county of Westmoreland, who are hereby authorised to affix a bill of tolls, reasonable and equitable, which said bill or rates of toll shall be paid by all persons passing over said bridge in any way or manner, subject to the by-laws of said company, which said laws shall in no wise interfere with the spirit and meaning of the constitution of this commonwealth, or the laws thereof.

Court of quarter sessions of Westmoreland county to fix rate of tolls.

SECT. 5. *And be it further enacted by the authority aforesaid,* That as soon as said bridge is completed, the commissioners aforesaid shall call together the stockholders of said company, at some convenient place, by giving at least ten days notice, and then and there elect two managers; each person owning to the amount of ten shares shall have a vote for each share, and all shares over that number, and not exceeding fifteen shares or for any greater number, shall have one vote for every two shares; and the board so elected and appointed shall choose one of their number as president, and one as treasurer of said company; and further, after the first election aforesaid, the said company shall elect on the first Monday in November annually thereafter; the said president and managers shall make half yearly returns to the auditor general of this commonwealth, upon oath of the president, of all moneys received and due said company, and pay over to the treasurer of this commonwealth the per cent. or income of said stock in said bridge, after deducting a pro rata for the contingent and necessary expenses of said company.

First election after completion of bridge Ratio of votes to shares.

President and treasurer.

Annual election. Semi-annual return upon oath to Auditor General.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 107.

AN ACT

Authorising the laying out a state road from the mouth of Larries creek, in Lycoming county, by the way of Wellsborough, Tioga county, to the New York state line, at or near Lawrenceville, in said county.

Commissioners appointed to lay out road.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Lorentus Jackson and Titus Ives, of Tioga county, and John Knox and John Fisher, of Lycoming county, are hereby appointed commissioners to lay out, by courses and distances, a state road, beginning at the mouth of Larries creek, in Lycoming county, by the way of Wellsborough, Tioga county, to the New York state line, at or near Lawrenceville, in said county of Tioga.

Their oaths and duties.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, or a majority of them, after taking an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity, carefully to view the ground over which the said road may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and other important circumstances will permit, and in such manner that the vertical departure from a horizontal line shall at no point exceed six degrees, unless it be at the crossing of ravines and streams, where by moderate filling or bridging the declination of the road may be preserved within that limit.

To locate on the most advantageous ground.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, or a majority of them, in choosing the ground, to have due regard to the crossing of water, to the declination and nature of the ground, to the expenses of the townships, to the damages to private property, and to all other circumstances affecting the route, so that by a judicious and skilful combination of them, the route finally adopted may best promote the public good.

To mark the route.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, plainly and distinctly to mark upon the ground the route agreed upon for the road as aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorised to employ two chain bearers, one axeman, and one staff bearer, at a per diem allowance not exceeding one dollar.

To employ assistants.

SECT. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners to make out a fair and accurate draft of the said location, noting thereon the courses and distances from point to point, as they occur, the improvements they pass through, and also the crossing of county and township lines, roads or waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of December next, and one copy in the office of the clerk of the court of quarter sessions of the respective counties aforesaid, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and thenceforth, the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

Drafts of location.

Where deposited.

Road declared a highway.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the compensation of the commissioners shall be one dollar and fifty cents each for every day necessarily employed by virtue of this act; and the accounts of the said commissioners, for their own pay and the pay of their hands as aforesaid, shall be adjusted and allowed by the commissioners of Tioga and Lycoming counties, and paid by the treasurers thereof, on warrants drawn in the usual way, each county to pay one equal half part of the expenses incurred in laying out the same; the commissioners shall meet at the mouth of Larries creek, on the second Monday of May next, or as soon thereafter as possible, and complete the said work as soon as practicable; and if any vacancy or vacancies shall happen by the resignation of one or more of the commissioners, or by any other cause, the Governor is hereby authorised to fill the vacancy or vacancies by a suitable appointment.

Compensation of commissioners.

Adjustment of accounts.

Place and time of meeting.

Governor to fill vacancies.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners to take from each and every person or persons owning lands along the roads, by them respectively to be laid out, acquittances or releases from any blame or damages, upon the condition that such road shall pass through such person or persons land or lands, and to file the same in the commissioners office in the proper county.

Commissioners to take & file releases

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF:

No. 109.

AN ACT

To exempt the Erie Academy, in the borough of Erie, the lot on which it is erected, and all other lots and lands granted to the said academy, from taxation.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the Erie academy, in the borough of Erie, the lot on which the same is erected, and all other lots in the said borough of Erie, heretofore granted to the said academy, and a tract of land belonging to the said academy, situate in Mill Creek township, shall be exempted from taxation, and shall not hereafter be subject to the assessment of any state, county, or other tax, so long as such lots and tract of land shall be owned and held by said academy.

Property ex-
empted as
long as owned
by academy.

Not to inter-
fere with tax-
es now due or
assessed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That nothing in this act contained, shall interfere with or prevent the collection of any taxes heretofore laid or assessed on said lots or lands belonging to said academy.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 109.

AN ACT

For the relief of the legal heirs and representatives of William Woods.

Preamble.

WHEREAS, on the twenty-eighth of October, eighteen hundred and twenty-nine, a judgment was rendered against William Woods of the borough and county of Huntingdon, for the sum of three hundred dollars, on a recognizance dated thirteenth April, eighteen hundred and twenty-five, conditioned for the appearance of one Israel Evans, at the court of quarter sessions of said county, next thereafter,

who, after conviction and before sentence was passed upon him, absconded, and execution upon said judgment has since been levied upon a certain log house and part of a lot of ground, the only property of the said William Woods, who, in June last was accidentally killed, leaving a family of eight children, most of whom are in their minority and who are now destitute of parents and of any means of sustenance other than the property aforementioned: *And whereas*, To enforce the collection of said recognizance and judgment, it would operate oppressively upon the orphan children of said decedent without advancing public justice: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the court of common pleas of Huntingdon county, be and the same is hereby authorised and required to stay further proceedings on a judgment entered in said court, on the twenty-ninth day of October, eighteen hundred and twenty-nine, against William Woods, of said county, since deceased, for the sum of three hundred dollars, upon a recognizance acknowledged by him in the court of quarter sessions of said county, as security for the appearance of one Israel Evans; and the said court are hereby further authorised and required to direct the prothonotary to enter satisfaction on the records of said court for the amount of the debt and interest due on said judgment, in conformity with the provisions of this act.

Court of Huntingdon co. to direct satisfaction to be entered for a certain judgment against Wm. Woods.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 110.

AN ACT

Authorising the trustees of Rebecca Eneu to invest moneys of said Rebecca Eneu.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Philip Peltz, John Lentz, and Richard Peltz, How to be trustees of the estate of Rebecca Eneu, of the county of invested.

Proviso.
Her consent
to be obtain-
ed, &c.

Philadelphia, be, and they are hereby authorized and empowered to invest all moneys now in their hands, or which hereafter may come in their hands as trustees of the said Rebecca Eneu, in such real estate, bond, mortgage, or other securities as they may deem sufficient: *Provided*, The consent of the said Rebecca Eneu is first had and obtained; and the rents, issues, profits or interest arising from the investment so made as aforesaid, shall be paid to the said Rebecca Eneu during her life time; and from and after her decease, the said real estate, bond, mortgage, or other securities, to vest in the heirs of said Rebecca Eneu, according to the laws of descent in this commonwealth.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 111.

AN ACT

Assessing a tax on personal property, to be collected with the county rates and levies, for the use of the commonwealth.

Annual tax of
one mill in
the dollar
upon the val-
uation of cer-
tain personal
property.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That all personal estate and property within this commonwealth, hereinafter described, owned or possessed by any person whatever, that is to say: all ground rents, moneys at interest, and all debts due from solvent debtors, whether by promissory note, except bank notes, penal or single bill, bond, judgment, mortgage and stocks in corporations, (wherein shares have been subscribed in money,) and on which any dividend or profit is received by the holder thereof, and public stocks, except the stocks issued by this commonwealth, and all pleasure carriages, kept for use, shall be subject to a yearly tax of one mill upon every dollar of the value thereof; to be assessed in the manner hereinafter prescribed, and collected as county rates and levies now are collected, and with like compensation to collectors, and

Compensa-
tion of collec-
tors.

paid into the treasury for the use of the commonwealth, deducting therefrom compensation to collectors.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the commissioners of each and every county, in their precepts to the respective township assessors, shall direct the said assessors to ascertain the amount, and description, and value, of all personal property owned or possessed by any person subjected to tax by the first section of this act, and make return thereof to the said commissioners; and the compensation to assessors shall be the same daily allowance as is provided by existing laws for assessing county rates and levies, and shall be paid in like manner as assessors are paid. Return of amount and value of property.
Compensation of assessors.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the assessors and assistant assessors of the city and county of Philadelphia, and the assessors of the other counties in this state, respectively, on the receipt of the precepts issued by the commissioners, shall proceed to ascertain the amount, and description, and value, of the said personal property, taxable as aforesaid, from the owner thereof, or in case of his neglect or refusal to furnish the assessor with a full statement or account of said property, its amount, description or value, it shall be the duty of the said assessors, from every information within their knowledge and power, to be enquired for and obtained by them, to proceed to make out a full statement of such property; and upon failure to obtain a special description thereof, shall return the aggregate amount thereof, as nearly as they can ascertain the same. Provision for case of refusal of owner to furnish assessor with statement.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all personal estate liable to taxation, the value of which shall not have been specified by the affidavit of the person, as hereinafter authorised, shall be estimated by the assessors at its full value, as they would appraise the same in payment of a just due from a solvent debtor. Value to be given by assessors when not specified.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any person whose personal estate is liable to taxation, shall, at any time before the assessors shall have completed their assessments, make affidavit that the value of the personal estate owned by him, made taxable as aforesaid, does not exceed a certain sum, to be specified in the affidavit, it shall be the duty of the assessors to value such personal estate at the sums specified in the affidavit, and no more. Affidavit may be made by owner, before completion of assessment, which shall be taken.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the assessors, after completing said assessments, shall give notice to each of the persons so assessed, as required under the act entitled, "An act to raise and collect county rates and levies", approved the eleventh of April, one thousand seven hundred and ninety-nine; and the several supplements thereto, and at the same time as prescribed thereby; and the appeal and proceedings thereon shall be also regulated by said acts; and each of the assessors, in addition to the Notice by assessors.
Appeal, &c.

Assessors' oaths.

oath now required of them by law, shall be sworn or affirmed to perform the several duties enjoined upon him by this act to the best of his ability and judgment, without favor or affection, hatred, malice, or ill will.

Commissioners to file statements of personal property assessed.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners of each county, to make out and file, with the treasurer of the county, a statement, showing the valuation of the personal property made taxable as aforesaid, with the statement of the sum assessed for the use of the commonwealth, with the apportionment of the same among the townships; and also a similar statement shall be made out and certified under seal by the commissioners of the county, and transmitted to the Auditor General on or before the first day of September in each and every year.

County treasurers to furnish statements and pay over.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the treasurer of each county, on or before the tenth day of September in each and every year, to furnish to the Auditor General a statement of the amount received by him for the use of the commonwealth, in pursuance of this act, and settle his account with the Auditor General in the same manner as public accounts are now settled; and it shall also be the duty of the treasurer of each county, upon the settlement of his account as aforesaid, to pay into the state treasury the amount so received by him, for which the treasurer of the county shall be allowed one per cent. upon the amount so paid by him.

Compensation.

How proceeds to be vested.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the amount which shall be paid into the state treasury, by virtue of this act, shall be vested in the commissioners of the internal improvement fund, and applied to the payment of interest chargeable upon said fund.

Bonds of county treasurers.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the aforesaid county treasurers, previous to entering upon the duties enjoined upon them by this act, shall enter into bonds with sufficient security, conditioned for the faithful performance of their trust, to the commonwealth, under the provisions of this act, according to the provisions of the act of fifteenth April, one thousand eight hundred and twenty-eight, and the regulations prescribed by said act, are hereby extended to all bonds to be taken under this act; and in case the bonds required as above, are not transmitted within one month after the appointment of the said city or county treasurers, it shall be the duty of the Auditor General to give notice to the county commissioners or other authority appointing said treasurer, who shall forthwith proceed to remove said officer, so neglecting or refusing to give bond from his said office, and appoint some other person in the place of him so removed.

For neglect to transmit may be removed.

SECT. 11. *And be it further enacted by the authority afore* Copies of this
said, That it shall be the duty of the Secretary of the Com- act to be for-
 monwealth, to make out and transmit to the commissioners warded to
 of each county, a certified copy of this act, for which the commission-
 usual fees shall be allowed, to be settled and paid in the usual ers.
 manner.

SECT. 12 *And be it further enacted by the authority afore-* To continue
said, That this law shall continue in force for five years, in force five
 from the date thereof. years.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini,
 one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 112.

AN ACT

To increase the county rates and levies, for the use of the commonwealth.

SECT. 1. *Be it enacted by the Senate and House of Repre-*
sentatives of the Commonwealth of Pennsylvania in General
Assembly met, and it is hereby enacted by the authority of
the same, That the commissioners of each and every county One mill in
 of this commonwealth, be and they are hereby authorised the dollar ad-
 and required, immediately after the passage of this act, and ded to the
 every year thereafter, during the continuance of this act, to county rates
 add to the county rates and levies, for the use of the com- and levies.
 monwealth, the sum of one mill upon the dollar of the ad-
 justed valuation of all the real and personal property,
 persons, trades and occupations, now made taxable by the
 laws of this commonwealth, for the purpose of raising county
 rates and levies; which said annual sum shall be apportioned
 among the townships, wards, and districts of each county,
 and collected with and in like manner as county rates and
 levies now are, both as to seated and unseated lands, and all
 other property, persons, trades and occupations, subject to
 county rates and levies; and be subject in all respects to the
 same regulations and the like compensation to collectors,
 and to be paid into the county treasury with the county
 rates and levies.

Statements to be made out and filed by county commissioners. **SECT. 2.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners of each county to make out and file, with the treasurer of the county, a statement, showing the adjusted valuation of the real and personal property, persons, trades and occupations, now made taxable as aforesaid, with the statement of the sum assessed for the use of the commonwealth, with the apportionment of the same; and also a similar statement shall be made out and certified under seal by the commissioners of the county, and transmitted to the Auditor General, on or before the first day of March in each and every year.

County treasurers to account for and pay over. **SECT. 3.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the treasurer of each county, on or before the first day of September in each and every year, to furnish the Auditor General a statement of the amount received by him for the use of the commonwealth, in pursuance of this act, and settle his account with the Auditor General in the same manner as public accounts are now settled; and it shall also be the duty of the treasurer of each county, upon the settlement of his account as aforesaid, to pay into the state treasury the amount so received by him, for which the treasurer of the county shall be allowed one per cent. upon the amount so paid by him.

Their compensation.

Investment of proceeds for benefit of school fund. **SECT. 4.** *And be it further enacted by the authority aforesaid,* That the amount which shall be paid into the state treasury by virtue of this act, shall be vested in the commissioners of the internal improvement fund, and applied to the payment of interest chargeable upon said fund, and the internal improvement fund shall be charged with the same, and the school fund shall be credited with the amounts so paid, and with the interest at five per cent. thereon annually accruing, until the said school fund shall be sufficient to produce an annual interest, at the rate aforesaid, of one hundred thousand dollars; and the proceeds of said fund shall then be annually distributed and applied to the support of common schools, in such manner as shall be directed by law.

Additional bonds of county treasurers. **SECT. 5.** *And be it further enacted by the authority aforesaid,* That in addition to the bonds now required to be given, the treasurer of the county shall give a bond to the commonwealth, with sufficient security, to be approved of by the commissioners of the county, in such sum as the commissioners shall direct, conditioned that he will furnish annually to the Auditor General a statement, and settle his account for the money received by him, and pay the same into the state treasury on or before the first day of September, in each and every year, agreeably to the provisions of this act.

Transmission of act.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Secretary of the Commonwealth, to make out and transmit to the commissioners of each county, a certified copy of this act, for which the usual

fees shall be allowed, to be settled and paid in the usual manner.

SECT. 7. *And be it further enacted by the authority aforesaid,* That this law shall continue in force for five years from the date thereof. Duration.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 113.

AN ACT.

More effectually to prevent and punish extortion, and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if any officer, whose fees are expressed and limited in and by an act of assembly of this commonwealth, passed the twenty eighth day of March, one thousand eight hundred and fourteen, entitled "An act establishing a fee bill," or in and by an act passed the twenty second day of February, one thousand eight hundred and twenty-one, entitled "An act to alter and amend the fee bill," or in and by any other act or acts of assembly of this commonwealth, at any time hereafter, shall wilfully, fraudulently and corruptly charge or demand, and take any of the fees, in and by any of the said acts, limited and ascertained, where the business for which such fees are chargeable, shall not have been done and performed, or if any officer shall wilfully, fraudulently and corruptly charge or demand, and take any fee for any service or services, other than those expressly provided for by the said acts, such officer, in addition to any penalty or penalties to which by the existing laws he may now be subject, shall be liable to prosecution and punishment, by indictment, as for a misdemeanor in office, any law or usage heretofore, to the contrary notwithstanding: *Provided however,* That no such prosecution shall be sustained, unless commenced within one year, from the time of taking or receiving such illegal fees. Officers violating acts relative to fee bill liable in addition to penalties to indictment for misdemeanor.

Proviso. Prosecutions must commence within one year from offence.

Justices or aldermen not to act as attorney in cases removed from before them.

Register of wills or clerk of orphans' court not to act as attorney in such court.

SECT. 2. *And be it further enacted by the authority aforesaid,* That hereafter it shall not be lawful for any justice of the peace or alderman, to receive fees or money, as agent or counsellor, or to act as an attorney at law, in any case which has been or shall be removed from before him, by appeal or certiorari into any court in this commonwealth.

SECT. 3. *And be it further enacted by the authority aforesaid,* That hereafter it shall not be lawful, for any register of wills in this commonwealth, to practice as an attorney, solicitor or counsellor, in the orphans' court of the county, wherein he is or shall be register of wills, or for any clerk of any orphans' court, to practice or act as an attorney, solicitor or agent, in the court of which he is or shall be clerk.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 114.

AN ACT.

To incorporate a company to make a turnpike road from Bethany to Honesdale.

Commissioners to open books.
One may act.

Form of subscription,
\$20 per share.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Nathaniel B. Eldred, James Manning, Thomas Spangenburg, Randal Wilmot, Charles Forbes, and Paul S. Preston, be, and they are hereby, appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or one of them, shall, on or before the first day of July next, procure a book and enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Bethany and Honesdale turnpike road company, the sum of twenty dollars for every share of stock in said company set opposite our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of said company, in pursuance of an act of the

general assembly of this commonwealth, entitled 'An act to incorporate a company to make a turnpike road from Bethany to Honesdale.' Witness our hands, the day of , in the year of our Lord one thousand eight hundred and ;" and thereupon shall give notice in two or more of the public papers printed nearest the route of the said road, for twenty days at least, of the time and places, when and where, the said book shall be opened to receive subscriptions for the stock of the said company; at which times and places one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said book, in their own names, or in the name or names of any other persons, who shall duly authorise the same, for any number of shares of said stock; and the said book shall be kept open respectively for the purpose aforesaid at least six hours in every juridical day, for the space of six days, or until the said book shall have two hundred shares therein subscribed; and if, at the expiration of the said six days, the book aforesaid shall not have the said number of two hundred shares therein subscribed, the commissioners may adjourn from time to time, and transfer the said book from place to place, until the whole number of shares shall be subscribed, of which adjournment and transfers the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to two hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen, as hereinafter mentioned.

Who may
subscribe.

Whole No. of
shares 200.

Proviso.
\$1 to be paid
on each share
at time of
subscription.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when twenty persons or more shall have subscribed seventy-five shares of the said stock, the said commissioners may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, to the Governor of this commonwealth; whereupon it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style, and title, of the "president and managers of the Bethany and Honesdale turnpike road company;" and by the said name the

When 20 persons take 75 shares Governor to incorporate.

Style.

Privileges,
liabilities, &c.
of corpora-
tion.

said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Organization
of company.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be, after the said letters patent shall be sealed and obtained, shall give public notice in two of the public papers printed nearest the route of the said road, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy duly authorised, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and until such other officers be chosen; and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided, always.* That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under that number.

Officers.

Of the by-
laws.

Proviso.
One vote each
share up to
ten.

General pow-
ers of presi-
dent and
managers.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be lawful to, and for the said president and managers, their superintendents, surveyors, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through, and over which the said intended turnpike road may be thought proper to pass, and examine the ground most proper for the purpose, as well as the materials in the vicinity that may be necessary in making and constructing the said turnpike road; and to survey, lay down, ascertain, mark and fix such route or track for the said road, as in the best of their skill and judgment will combine shortness of distance with the most practicable ground, and generally they shall have like powers, authori-

ties and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like toll and profits, in proportion to the distance, as are given and granted to the president, and managers, and company, of the Coshecton and Great Bend turnpike road, in and by an act of assembly of this commonwealth, passed the twenty-ninth day of March, Anno Domini, eighteen hundred and four.

Placed on
footing of
Coshecton &
Great Bend
company.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president and managers of the said road shall make, or cause the same to be made, not less than forty nor more than fifty feet in width, and at least eighteen feet thereof shall be made an artificial road, in the following manner, to wit: all the timber shall be taken out by the roots and removed from the road, which shall be well and sufficiently ditched so as to carry off the water, and to keep the road in its foundation firm and dry; it shall be constructed of firm and substantial materials, composed of wood, gravel, stone, slate, sand, or other hard substance, such as the nature of the ground along which the road may pass will admit of, so as to secure a solid foundation, a smooth and firm surface, and a well made permanent highway, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line; and the said president and managers shall erect bridges with sufficient abutments and piers, over all the streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair.

Duty of presi-
dent and ma-
nagers rela-
tive to the
width, con-
struction, &c,
of road.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within two years after passing this act, or shall not within five years thereafter complete the same, according to the true intent and meaning of this act, then, or in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted, shall revert to the commonwealth.

To commence
in 2 years and
complete in 5.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 115.

AN ACT

To authorise the supervisor of the Delaware division of the Pennsylvania canal to put in repair a certain road or highway on the south side of the river Lehigh.

SECT. 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the board of canal commissioners, if they shall deem it necessary, shall direct the supervisor of the Delaware division, of the Pennsylvania canal, to make and put in repair, as soon as conveniently can be done, that portion of the public road or highway, on the south side of the river Lehigh, which was injured or destroyed by, or on account of raising a dam across the mouth of said river, for the purpose of creating a feeder for the Pennsylvania canal; and the amount of said repairs be charged to, and paid out of the internal improvement fund: Provided, That the expenses thereof shall not exceed one hundred and twenty dollars.

Expense limited to \$120.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 116.

AN ACT

Authorising the repair of the chute in the dam over Penns creek, at Snyder's mill.

SECT. 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the canal commissioners be, and they are hereby directed, as soon as possible, to repair the chute in the dam over Penns creek, at Snyder's mill, in such manner as to render the navigation of the said creek as safe and conve-

nient as practicable, and that the expense thereof be defrayed out of any monies in the internal improvement fund, not otherwise appropriated: *Provided*, That the cost of the same shall not exceed two hundred dollars. Expense not to exceed \$200.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 117.

AN ACT

For the relief of Joseph M'Dermot, and others, revolutionary soldiers.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the State Treasurer be and he is hereby authorised and required to pay to Joseph M'Dermot and Daniel M'Dermot, of the county of Allegheny, soldiers of the revolution, or to their respective orders, forty dollars each, immediately, as a gratuity, and an annuity of forty dollars each, during life, payable semi-annually, to commence on the first day of January, eighteen hundred and thirty-one. \$40 gratuity and \$40 annuity, each, granted to J. and D. M'Dermot.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the State Treasurer be and he is hereby authorised and required to pay unto Frederick Schlott, of Lancaster county, a revolutionary soldier, or to his order, forty dollars, immediately, and an annuity of forty dollars, during life, payable half yearly, to commence on the first day of January, eighteen hundred and thirty-one. Same to F. Schlott.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the State Treasurer be and he is hereby authorised and required to pay to John Harple, of the county of Montgomery, and Michael Copenhæfer, of York county, revolutionary soldiers, or to their respective orders, forty dollars each, immediately, as a gratuity, and an annuity of forty dollars each, during life, payable half yearly, to commence on the first day of January, eighteen hundred and thirty-one. Same to J. Harple and M. Copenhæfer.

first day of January, one thousand eight hundred and thirty-one.

\$40 gratuity to D. Wagoner. *SECT. 4. And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Daniel Wagoner, of Centre county, a soldier of the revolution, or to his order, forty dollars, immediately, as a gratuity for his revolutionary services.

\$40 gratuity to C. Koch. *SECT. 5. And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Christian Koch, of Lycoming county, a soldier of the revolution, or to his order, forty dollars, immediately, and an annuity of forty dollars, during life, payable half yearly, to commence on the first day of January, eighteen hundred and thirty one.

\$40 gratuity to C. Car. *SECT. 6. And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Christopher Car, of Montgomery county, or to his order, forty dollars, immediately, as a gratuity, and as a full compensation for his revolutionary services.

\$40 gratuity and annuity to H. Shantz. *SECT. 7. And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Henry Shantz, of Montgomery county, a soldier of the revolution, or to his order, forty dollars, immediately, and an annuity of forty dollars, during life, payable half yearly, to commence on the first day of January, eighteen hundred and thirty one.

\$40 gratuity to W. Bean. *SECT. 8. And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to William Bean, of Mercer county, or to his order, forty dollars, immediately, as a gratuity, and as a full compensation for his revolutionary services.

\$200 to heirs of P. Liske for donation land. *SECT. 9. And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to the children and heirs of Peter Liske, deceased, or to their orders, two hundred dollars, as full compensation for lot number nineteen hundred and ninety-five, of two hundred acres, in the tenth district, which was patented to the said Peter Liske, and which fell within the boundary of the state of New York.

\$40 gratuity and annuity to J. Stewart. *SECT. 10. And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to John Stewart, of Crawford county, a soldier of the revolutionary war, or to his order, forty dollars, immediately, and an annuity of forty dollars, payable half yearly, during life, to commence on the first day of January, eighteen hundred and thirty-one: *Provided,* The said John Stewart has not already been placed on the

Proviso.

pension list of the United States, of which fact he shall satisfy the State Treasurer.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 118.

AN ACT

To authorise the widening of certain streets in the county of Philadelphia.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the district of Spring Garden, be and they are hereby authorized to open Broad street, from the Ridge road, to the northern limits of the district, of the same width as it now is between Vine and Callowhill streets, and cause the same to be levelled and paved, as soon as conveniently may be; the expenses and costs of the same, to be assessed and paid in like manner, and under the same regulations as are now in force, and provided for levelling and paving streets, within the said district, and that the commissioners of the district of Southwark, and the township of Mayamensing, respectively, be and they are hereby authorized, to open Broad street, from Cedar to Prime streets, of the same width as it now is in the city of Philadelphia, and to open Washington street, from the river Delaware, to fourth street, and to open Prime street, from fourth street to Broad street, one hundred feet in width, respectively; and the damages accruing to the owners of property, in the opening of said streets, shall be assessed and paid in like manner, as is provided for by the laws of this commonwealth, regulating the opening of streets in the city of Philadelphia, and its districts.

Broad street
from Ridge
road out.

Same from
Cedar to
Prime.
Washington
from Dela-
ware to
Fourth.
Prime from
Fourth to
Broad.
Damages.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, so much of Coates street, in the district of Spring Garden, as is included between Broad street and the river Schuylkill, shall be and the same hereby is laid out of the width of eighty feet, instead of fifty feet, as the same is now opened, and that the

Coates st. be-
tween Broad
& the Schuyl-
kill to be wi-
dened.

To be levelled and paved. said additional thirty feet, shall be taken from the ground laying on the south side of the said street, as now laid out; and the commissioners of the district of Spring Garden, are hereby authorised, to cause the same to be levelled and paved, as soon as conveniently may be; the cost or expense of the same to be assessed and paid in like manner, and under the same regulations as are now in force, and provided for levelling and paving streets, within the said district; and that the damages occasioned by laying out the said street, of this additional width, shall be assessed according to the provisions of the several acts of assembly, in relation to the laying out and opening streets, in the district of Spring Garden.

Damages.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF,

No. 119.

AN ACT

To enlarge the buildings of the State Penitentiary, for the Eastern district, and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the inspectors of the state penitentiary, for the eastern district, in the county of Philadelphia, be authorised and required, and they hereby are authorised and required to construct and erect within the outer walls of said penitentiary upon such plan as they may deem most expedient, buildings which shall contain at least four hundred cells, suitable for the confinement of convicted criminals, in solitary imprisonment at labor; and to enable them the more effectually to perform the duties now enjoined, all the rights, powers and privileges, heretofore given to the commissioners for building said penitentiary, are hereby transferred to and vested in the said inspectors: *Provided however,* That nothing herein contained, shall divest the said board of commissioners of any right or power, that it may be necessary for them to retain, in order to arrange and settle any of their former engagements and transactions, as to real estate or otherwise, and they are hereby authorised and directed, af-

Inspectors of Eastern Penitentiary authorised to construct 400 cells.

Invested with powers of building commissioners.

Proviso:
Not to prevent settlement of accounts of commissioners.

ter the final settlement of their accounts, to pay over any balance that may remain in their hands, to the board of inspectors of the eastern state penitentiary, to be applied in the erection and furnishing of cells, hereby directed to be built.

SECT. 2 *And be it further enacted by the authority aforesaid,* That for the purpose of defraying the expense of erecting said buildings, the county commissioners of the county of Philadelphia, be and they hereby are authorised, to loan out of the county funds of said county, to the aforesaid inspectors, one hundred and twenty thousand dollars, in such sums and at such times as the said inspectors may require the same, for the purpose aforesaid, for the amount of which said sums of money loaned as aforesaid, certificates of state stock in proper form shall be issued to the county commissioners, of the county of Philadelphia, for the use of said county, which said stock shall be transferable in the same manner as other state stock, and from and after the first day of January, one thousand eight hundred and thirty-four, and not before; shall bear an interest of five per cent. per annum, payable half yearly, and be redeemable thirty years after the passage of this act: and the said county commissioners are hereby authorised to raise the aforesaid sum of one hundred and twenty thousand dollars, by loan, in any mode or manner in which money for the ordinary purposes and expenses of said county may by law be raised or obtained.

Commissioners to pay over any balance to inspectors.

County commissioners of Philadelphia to loan to inspectors \$120,000.

To receive certificates of state stock therefor.

To bear interest after 3 years, redeemable in 30.

Commissioners authorised to raise money.

SECT. 3. *And be it further enacted by the authority aforesaid,* That every person who shall be convicted in any court, in the eastern district of this commonwealth, of any crime committed after the first day of May next, whose punishment under the present existing laws, would be imprisonment in the jail and penitentiary house of Philadelphia, for one year, or any term exceeding one year, shall be sentenced by the proper court, to suffer punishment by separate or solitary confinement at labor, in the state penitentiary for the eastern district, for such times respectively, as the provisions of the aforesaid laws now authorise and direct; such convicted criminals to be sentenced to be confined in the aforesaid jail and penitentiary house of Philadelphia, and the persons so sentenced as aforesaid, while confined in the said state penitentiary, shall be treated in all respects in the manner which the act, entitled "A further supplement to an act, entitled An act to reform the penal laws of this commonwealth," approved the twenty-third day of April, one thousand eight hundred and twenty-nine, directs that persons convicted under the provisions thereof, shall be treated during their imprisonment in the said state penitentiary.

For crimes committed after 1st May, 1831.

Convicts in Eastern district sentenced for one year or longer to go to state penitentiary.

Treatment of prisoners.

SECT. 4. *And be it further enacted by the authority aforesaid,* That every person who shall be convicted in any court, in the eastern district of this commonwealth, of any crime committed after the first day of May next, whose punishment

For term less than 1 year, to be punished in county jail.

under the present existing laws, would be imprisonment in the jail and penitentiary house of Philadelphia, for any term less than one year, shall be sentenced by the proper court, to receive his or her punishment in the county jail, of the proper county.

Convicts here after sentenced to be removed to penitentiary at expense of county. May remain in Philadelphia jail until completion of cells.

SECT. 5. *And be it further enacted by the authority aforesaid,* That criminals sentenced, as directed in and by the third section of this act, shall be removed to the aforesaid state penitentiary, at the expense of the proper county, subject nevertheless, to be detained and confined in the jail and penitentiary house of Philadelphia, until a sufficient number of cells shall be finished in the said state penitentiary, to enable the inspectors thereof conveniently to receive said criminals.

Time for the removal of prisoners by inspectors of Philadelphia jail.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the inspectors of the jail and penitentiary, on the first Monday in April, one thousand eight hundred and thirty-three, or as soon thereafter as conveniently may be, shall remove all the convicted criminals, who may then remain in said jail and penitentiary, to the aforesaid state penitentiary for the eastern district, there to be imprisoned, kept and punished according to law and their several sentences, until duly discharged: *Provided,* The said state penitentiary shall be prepared for the reception of said prisoners as hereinbefore provided for.

Proviso. If penitentiary is ready.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 120.

AN ACT

Erecting the village of Athens, in the county of Bradford, into a borough.

Borough limits.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the village of Athens shall be, and the same is hereby erected into a borough, by the name of the borough of Athens, and which borough shall be comprised within the following limits: beginning at Satterlee's landing or ferry, on the Susquehanna river, and running westerly along the

road leading from the same to the road leading to Newtown; thence south to lands of Edward Herrick; thence westerly along the line of said lands to Chemung river; thence down the said river to lands of Henry Wells; thence easterly along the line of said lands to the bank of the river Susquehanna; thence up along the bank of said river to the place of beginning.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided six months within the said borough, ^{Annual election for borough officers} previously to said election, to meet at the house of D. A. Saltmarsh, in every year, and then and there elect, by ballot, between the hours of twelve and six o'clock of the same day, one respectable citizen residing therein, who shall be styled the burgess of said borough, and five citizens residing therein, who shall be a town council; and shall also elect as aforesaid, one citizen as high constable, two persons as overseers of the poor, one as supervisor, one as assessor, and two as assistant assessors; but previously to such election, the inhabitants shall elect two respectable citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted according to the general election law of this commonwealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties as by the said law is imposed; and the said judges, inspector and clerks, shall each take an oath or affirmation before any justice of the peace of the said county, to perform the same with fidelity, and after the said election shall be closed, shall declare the person having the greatest number of votes to be duly elected; and in case any two or more candidates having an equal number of votes, the preference shall be determined by lot, to be drawn by the judges and inspector, whereupon duplicate returns thereof shall be signed by the said judges, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation; and in case of death, resignation, removal, or refusal to accept, or refusal to act after acceptance, of any of the said officers, the burgess, or in case of his death, absence, or inability to act, or when he neglects or refuses to act, the first named of the town council shall issue his precept, directed to the high constable, or when there is no high constable, or when he refuses or neglects to act, then any of the members of the town council shall advertise and hold an election in the manner aforesaid, to supply such vacancy, giving at least ten days notice thereof, by advertisements set up at four of the most public places in the said borough. ^{Manner of conducting election.} ^{Vacancies how supplied.}

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in April next, the Powers of burgess and town council, duly elected as aforesaid, and corporation.

their successors, shall be one body politic and corporate in law, by the name and style of "the burgess and council of the borough of Athens," and shall have perpetual succession; and the said burgess and council aforesaid, and their successors, shall be capable in law, to receive and hold goods and chattels, lands, tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple, or otherwise, not exceeding the yearly value of five thousand dollars; and also, give, grant, sell, let and assign the same lands, tenements, hereditaments and rents; and by the name and style aforesaid they shall be capable in law, to sue and be sued, plead and be impleaded, in any of the courts of law in this commonwealth, in all manner of actions whatever, and to have and to use one common seal, and the same from time to time to change and alter at their will.

Seal.

Penalties on refusal to accept borough offices.

How recovered and appropriated. Proviso. Term of service.

Benefit of appeal.

Oaths of office

SECT. 4 *And be it further enacted by the authority aforesaid,* That if any person, an inhabitant of the said borough, and duly qualified to elect as aforesaid, shall be elected to the office of burgess or high constable, and having notice of his election, shall refuse to undertake and execute that office, any person so refusing shall forfeit and pay a fine of ten dollars; and if any other person, duly qualified as aforesaid, shall be duly elected to any other office in the said borough, enacted by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, any person so refusing shall forfeit and pay a fine of five dollars, which fines, forfeitures, and all others, in pursuance of this act, or of the by-laws of the said council, shall be recoverable before any justice of the peace of the said county, for the use of the said corporation: *Provided,* That no person shall be compelled to serve more than one year in any term of four years, and that if any person or persons find himself or themselves aggrieved by the judgment of any justice of the peace, or of any by-law decision or ordinance of the town council under this act, except what relates to the collection of borough taxes, and appointments made by the burgess and council aforesaid, may appeal to the next court of common pleas of Bradford county.

SECT. 5 *And be it further enacted by the authority aforesaid,* That the burgess shall take and subscribe an oath or affirmation, before one of the associate judges or justices of the peace for the county of Bradford, to support the constitution of the United States and of this state, to well and truly execute the duties of the office of burgess of the borough of Athens; and when so qualified, he shall administer an oath or affirmation to the council, high constable, town clerk, and all other officers appointed under the provisions of this act, in manner and form as aforesaid, before they shall enter on the duties of their respective offices; the

certificates of which oaths or affirmations shall be filed among the records of the said corporation.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the town council so chosen, or a majority of them, shall have full power and authority to make and enact such ordinances, rules and regulations, as may be necessary for improving and keeping in order the streets, lanes, alleys, within said borough, and removing nuisances and obstructions therefrom; and the same to annul, alter, and make anew, as occasion may require; and also to assess, levy, and collect a tax for the said purposes; and also annually to appoint a town clerk, treasurer, and such other officers as may be deemed necessary; and shall have all other powers necessary for the well ordering and good government of the said borough: *Provided,* That the said ordinances, rules or regulations, shall not be repugnant to the constitution of the United States, or of this state: *And provided also,* That no tax shall be laid by them in any one year to exceed one half of a cent on the valuation of taxable property taken from the last assessment, unless some object of general utility shall be thought necessary, in which case a majority of the freeholders of the said borough, by writing under their hands, shall approve and certify the same to the town council, who shall proceed to assess the same accordingly; and all taxes which may be assessed or laid within the said borough, shall, as nearly as the same is practicable, be assessed and collected conformably to the laws for raising county rates and levies.

Proviso.

2d proviso.
Limit of rate
of tax, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act, or of the acts of the corporation; and his attestation, with the seal of the corporation, shall be good evidence of the thing or act so certified.

Duty of the
town clerk.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the treasurer shall give security in a sum not less than one, nor more than three thousand dollars, at the discretion of the burgess and council, for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successors of all moneys, books, and accounts appertaining thereto, upon demand being made by the burgess for that purpose.

Security of
treasurer.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the street commissioners, treasurer, constable and clerk, as well as all other officers, who may be appointed by virtue of the provisions of this act, by the corporation or council, shall render their accounts once in every year for settlement; accounts.

Annual set-
tlement and
publication of
accounts.

Notice of
elections.

and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and of the expenditures; and it shall be the duty of the high constable to give notice of the elections, by setting up advertisements, in three public places in said borough, ten days previously thereto, and shall attend and see that the same is opened at the time, and in the same manner as is directed by this act.

Presiding of-
ficer of coun-
cil.

SECT. 10. *And be it further enacted by the authority aforesaid,* That in all meetings held under this law, or under the by-laws enacted in pursuance of the same, it shall be the duty of the burgess to preside, or in his absence, the members who may be then present of the town council, first named in the return of the election, and it shall be the duty of the officers of the election to name in the return, the persons who may be elected according to the number of votes which each may have, placing first in return the name of the person who has the greatest number of votes, and so on, and if any of the persons elected shall have an equal number of votes, then the officers of the election shall decide, by lot, which of them shall be first named.

Provision for
absence, &c.
of burgess.

SECT. 11. *And be it further enacted by the authority aforesaid,* That in the absence from the borough, or inability of the burgess, it shall be the duty of the first named of the town council, who may be present to perform the duties which are enjoined on the burgess by this act, or which may be enjoined by the by-laws, passed in pursuance of the same.

Of the high
constable.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the high constable shall have authority to preserve the peace, to serve all process of the burgess, and any justice of the peace of the said county, and be entitled to the same fees as other constables, by virtue of the laws of this state, and shall at the next court of quarter sessions of Bradford county, after his election, deliver to the clerk of said court, a certificate of his election, and shall give bond and security, for the faithful performance of his duty, as other constables; that the overseers of the poor, assessor and assistants shall have the same powers, and bound to the discharge of the same duties, as other overseers and assessors are by the existing laws of this state.

In council,
4 a quorum.

SECT. 13. *And be it further enacted by the authority aforesaid,* That in any meeting of the burgess and town council, it shall require at least four to form a quorum to transact business.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 121.

AN ACT

To annul the marriage contract of Rudolph Stauffer and Mary his wife.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Rudolph Stauffer and Mary his wife, now or late of the county of Montgomery, be and the same is hereby annulled and made void, and the parties released, set free and discharged from the said marriage contract, and from all duties and obligations arising and derived thereby and therefrom, as fully, effectually and absolutely as if they had never been joined in the bonds of matrimony.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 122.

A SUPPLEMENT

To an act, entitled "An act incorporating the town of Wellsborough into a borough."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall not be lawful for any horses, cattle, sheep or swine, to run at large *Swine, &c. running at large.* within the incorporated bounds of the borough of Wellsborough, in Tioga county, except by an ordinance of the corporation especially for that purpose, the right to pass or enact which shall be vested in the burgess and town council, any law to the contrary notwithstanding.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The twenty-ninth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 123.

AN ACT

To provide for the erection of a new prison and a debtor's apartment within the city and county of Philadelphia, and for the sale of the county prison in Walnut-street, in said city.

SECT. 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,

New prison to be erected on the principle of separate confinement.

That a prison for the city and county of Philadelphia, capable of holding at least three hundred prisoners, on the principle of the separate confinement of the prisoners, shall be erected at such place within the city or county of Philadelphia, as the commissioners hereinafter mentioned shall fix and appoint, to be called the prison of the city and county of Philadelphia and the expense whereof shall be defrayed in the manner and out of the funds hereinafter provided.

Appointment of commissioners to purchase site.

SECT. 2. And be it further enacted by the authority aforesaid, That immediately after the passing of this act, the court of common pleas of the county of Philadelphia, and the mayor's court of the city of Philadelphia, shall each appoint three respectable citizens, residing in the city or county aforesaid, to be commissioners for the erection of said prison, whose duty it shall be to select and purchase a suitable site within the city or county of Philadelphia for the same, the title whereof shall be vested in the county of Philadelphia; to make all necessary contracts for the building of the said prison, taking good security in the name of the said commissioners for the faithful performance of the said work in a good and workmanlike manner; and in case of the death or resignation of any of the said commissioners before the completion of their trust, the said court shall respectively appoint suitable persons to fill the vacancy, according as the same may occur.

Contract for building, &c.

Court to fill vacancies.

Plan of prison

SECT. 3. And be it further enacted by the authority aforesaid, That the prison aforesaid shall be constructed on such plan as the said commissioners, or a majority of them, may adopt: *Provided always,* That the principle of the separate confinement of the prisoners be preserved and maintained.

Power of commissioners to borrow \$150,000.

SECT. 4. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners to borrow, from any person or persons, bodies politic or corporate, such sum or sums of money, not exceeding in the whole the sum of one hundred and fifty thousand dollars, at such times as they may think proper, as may be necessary to defray the expenses of erecting said prison; and it shall be the duty of the said commissioners to issue a cer-

tificate or certificates, under their hands, to the lenders, in such sums, not less than one hundred dollars each, for the payment of the sum lent, with interest not exceeding five per centum per annum, payable half yearly, which certificate shall be entered in a book to be kept for that purpose, and shall be severally transferable by the lenders or their legal attorney, executors, administrators or assigns, by endorsement thereof, at the office of the commissioners, and in the presence of one of them, or such officer as they may appoint for that purpose; and for the security of the persons who may become holders of the loans hereby authorised, the jail and penitentiary house of Philadelphia, commonly called the Walnut-street prison, and the Prune-street apartment, and the lots of ground on which they are erected, bounded by Walnut, Sixth, and Prune-streets, in said city, shall be, and are hereby specifically pledged; and the said loans shall be paid out of the proceeds of the sale of the said Walnut-street prison and Prune-street apartment, and the lots thereunto belonging, as is hereinafter provided.

To issue certificates of stock.

To be transferable.

Lot of Walnut street prison pledged for loan.

To be repaid out of proceeds of sale of prisons and lots.

SECT. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners of the county of Philadelphia, to provide from time to time, and pay over to the said commissioners, sufficient sums of money to meet the interest which may become due half yearly on said loan, for that purpose they are hereby authorised and required to raise money in any mode or manner in which money for the ordinary purposes and expenses of said county may by law be raised or obtained.

County commissioners of Philadelphia to provide for payment of interest of loan.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners to select and purchase a suitable site in the city or county of Philadelphia, and erect thereon a building, to be called the debtor's apartment of the city and county of Philadelphia, the title to be vested in the county of Philadelphia, and the expense of erecting the same shall be provided for and defrayed by the county commissioners of said county, on warrants drawn on them by the commissioners for building the said prison; and the said county commissioners are hereby authorised to raise the money necessary therefor, in any mode or manner in which money for the ordinary purposes and expenses of said county may by law be raised or obtained.

Commissioners to build a debtors apartment.

Expense to be defrayed by county.

SECT. 7. *And be it further enacted by the authority aforesaid,* That so soon as the said new county prison and debtor's apartment shall be erected and prepared for the reception of prisoners, it shall be the duty of the inspectors of the prison of the city and county of Philadelphia to take charge of the same, and to remove, or cause to be removed thereto, all persons who may then be confined in the prison on Arch street, in the said city, and the officers who have them in charge, the debtors and persons confined as witnesses, to be

On completion of prison inspectors to remove Arch street prisoners.

Debtors to be kept separate.

Thenceforth committals to be made to new prison.

Courts to prescribe regulations.

Proviso.

Convicts sentenced for less than one year to be sent to new prison.

Building commissioners authorised to sell and convey Walnut street prison.

Proviso. Not until removal of prisoners.

To discharge loans & other debts.

removed to the debtor's apartment, and the others to the new prison of the city and county aforesaid; and such provision shall be made in the arrangement of the said debtors apartment, as that persons confined as witnesses shall have no communication with debtors, and thenceforth all persons who, by the existing laws of this commonwealth, are liable to be confined in the Arch-street prison, as also all persons who may be confined for debts, or as witnesses, shall be respectively sent to the new prison of the city and county of Philadelphia, in the debtor's apartment, there to be kept, treated, and governed, according to such rules and regulations as the said inspectors, who have the charge thereof, with the approbation of the court of common pleas and quarter sessions of said county, and the mayor's court of said city, may from time to time ordain and establish: *Provided always*, That the same be not inconsistent with, or contrary to, the constitution and laws of this commonwealth, and the provisions of this act.

SECT. 8. *And be it further enacted by the authority aforesaid*, That every person who shall be convicted, after the completion of said new prison, in any court of criminal jurisdiction, in the city or county of Philadelphia, of any crime, the punishment of which would be imprisonment in the jail and penitentiary house of Philadelphia, for a period of time under one year, shall be sentenced by the proper court, to suffer punishment in the new prison aforesaid, by separate confinement at labor, for and during the term of their sentence, and shall be fed, clothed and treated as nearly as may be practicable, in the same manner, as is provided by law, in relation to persons confined in the eastern state penitentiary, in solitary confinement at labor.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the commissioners appointed under the provisions of this act, for erecting the new prison aforesaid, be and they are authorised to grant, bargain and sell, the jail and penitentiary house of Philadelphia, commonly called the Walnut street prison and Prune street apartment, together with the lots of ground, whereon the same are erected, bounded by Walnut, Sixth and Prune streets, in the city of Philadelphia, altogether, or in parts or parcels, at such time or times, and upon such terms and conditions, as they or a majority of them may determine, to make and execute a good and sufficient deed or deeds for the same, conveying a fee simple to the purchaser or purchasers: *Provided*, That the said prison shall remain in its present state, until the prisoners shall be removed therefrom to the new penitentiary, for the eastern district, in such manner as shall be provided for by law.

SECT. 10. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the said commissioners, for erecting said prison, and they are hereby required, as soon

as they receive the monies arising from the sale of the said Walnut street prison, and Prune street apartment, and the lots thereto belonging, to pay off and discharge the loans they may have obtained, under the provisions of the fourth section of this act, and all other debts by them contracted, in relation to their duties, and to pay the residue to the commissioners, who are hereby authorised to apply the same to the ordinary purposes of said county. And pay residue to county commissioners.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the said commissioners, shall not be entitled to any compensation for their services, nor shall it be lawful for them, or either of them to be concerned as principals, agents or otherwise, in any contracts connected with the building of said prison, or debtor's apartment, or derive any profit or advantage from the same; but they are authorised to employ a clerk, whose duty it shall be to take care of the books and papers, and perform such other duties as may be directed by them, which clerk shall receive for his services, such compensation as the commissioners may direct, not exceeding six hundred dollars per annum, payable out of the monies to be raised by loan, under the provisions of this act; and it shall be the duty of said commissioners, to submit their accounts annually to the auditors of the county of Philadelphia, who are to examine and report them as is provided by law, in relation to the accounts of the county commissioners. Commission- ers not to receive pay nor to be concerned in contracts. To employ a clerk. His compensation. Annual settlement of accounts.

SECT. 12 *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, previous to making any contract for building the said prison, or for furnishing materials for the same, shall first give notice, by public advertisement, in two or more of the daily papers, and continue the same at least three weeks, for the purpose of procuring the said materials, on the most economical terms. Advertise- ment of contracts.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 124.

AN ACT

To authorise the Governor to incorporate a company to erect a bridge over the river Susquehanna, at York Haven.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Demuth, senior, and Thomas C. Hambly, of the borough of York, and Charles M. Poor and Isaac Kirk, of the county of York, and Martin Nissley, of Dauphin county, and Henry Haldeman and Jacob Gisch, of Lancaster county, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: they shall and may, on or before the first Monday in August next, procure two books, and enter therein as follows: "We, whose names are hereunto subscribed, do promise to pay unto the president, managers and company authorised to erect a bridge over the Susquehanna, at York Haven, the sum of twenty-five dollars for each and every share of stock in the said company, set opposite to our respective names, in such manner and proportions and at such time and places as shall be determined by the said president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act enabling the Governor to incorporate a company to erect a bridge over the river Susquehanna, at York Haven.' Witness our hands this day of in the year of our Lord, one thousand eight hundred and thirty ;" and shall give notice in two German and two English newspapers in the county of York, and in such other place as the said commissioners, or a majority of them, may seem fit, for one calendar month at least, of the times and places when and where the said books shall be open to receive subscriptions of stock for said company; at which times and places two of the commissioners shall attend, and permit and suffer all persons of lawful age to subscribe in said books in their own name or in the name of any other person or persons who shall duly authorise the same, for any number of shares in the said stock; and the said books shall be kept open respectively, for the purpose aforesaid, at least six hours in each juridical day for the space of three days, or until the said books so opened shall have two thousand shares therein subscribed; and if at the expiration of the said three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the said books from place to place, until the whole

Commissioners named to open books.

Form of subscription.

\$25 per share.

Notice of opening of books.

Who may subscribe.

Whole No. 2000.

number of shares be subscribed, of which adjournment and transfer, the commissioners shall give such public notice as the occasion may require, and when the whole number of shares subscribed in the said books, shall amount to two thousand, the same shall be closed: *Provided always*, That every person offering to subscribe in said books, shall first pay to the attending commissioner, the sum of two dollars, for each and every share which he subscribes for in said books, out of which shall be defrayed the expense attending the taking of subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organised, and the officers chosen as hereinafter mentioned.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when four hundred shares of the said stock shall have been subscribed for, the commissioners aforesaid shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each to the governor, and thereupon it shall and may be lawful for the governor by letters patent, under his hand and the seal of the commonwealth, to create and erect the subscribers, and if the said subscriptions be not full at the time, then also those who shall afterwards subscribe to the number aforesaid into one body politic and corporate, in deed and in law, by the name, style and title of "The president and managers of the York Haven bridge company;" and by the said name, the subscribers shall have perpetual succession, and all the privileges and franchises, incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing, which a corporation or body politic may lawfully do.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the two persons first named in the letters patent, as soon as conveniently may be after the sealing of the same, shall give notice in two or more of the public newspapers, in the counties of York, Lancaster and Dauphin, of a time and place by them to be appointed, not less than thirty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organise the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by

Their general powers. proxy duly authorised, one president, six managers, one treasurer, and such other officers as they shall think necessary, to conduct the business of said company for one year, and until such other officers shall be chosen; and may make such by-laws, rules, orders and regulations, not inconsistent with the laws and constitution of this state, or of the United States, as shall be necessary for the well ordering the affairs of said company, and generally to have all the powers, authorities and privileges, necessary for erecting, maintaining and keeping in repair the said bridge.

Stock certificates. *SECT. 4. And be it further enacted by the authority aforesaid,* That the president and managers shall procure printed certificates, for all the shares of stock in said company, which shall be signed by the president, countersigned by the treasurer, and sealed with the seal of the corporation, and each subscriber shall be entitled to one such certificate, for each share by him subscribed for, on paying to the treasurer, in part of the sum due thereon, five dollars on each share; which certificate shall be transferable, either by the owner in person, or by his attorney duly authorised, in the presence of the president or of the treasurer, for the time being, subject however to the payments due, or that may grow due thereon; and the person to whom such transfer shall be made, shall stand in the place of the former holder of the certificate, and be entitled to the same privileges, and liable to the same responsibilities to the company.

Transferable.

SECT. 5. And be it further enacted by the authority aforesaid, That a public meeting of the said stockholders shall be held annually, at such time and place, as shall be fixed by the rules and orders of said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as may come before them.

Annual meetings of stockholders.

SECT. 6. And be it further enacted by the authority aforesaid, That at any such meeting, or at any other meeting authorised by the by-laws of said company, a quorum being present, they shall have full power and authority to appoint such engineers, superintendents, artists, assistants and workmen, as they shall deem necessary for the erection of said bridge; they shall fix their salaries and wages, make all needful contracts, ascertain the times, manner and proportion, in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer, for the money necessary to pay salaries, wages and bills, for work or materials, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and do and transact all such matters and things, as by this act or the by-laws of the company shall be committed to them.

General powers of corporation.

SECT. 7. And be it further enacted by the authority aforesaid, That if any stockholder after thirty day notice, in some one

or more of the newspapers printed in the borough of York and Harrisburg, and city of Lancaster, of the time and place appointed for such payment, shall neglect to pay the same for the space of thirty days, after the day whereon the same shall be appointed to be paid, every such stockholder shall in addition to the instalment so called for, pay at the rate of five per cent. per month, for every delay of such payment, and if the same and the said additional payment or penalty, shall become equal to the sum already paid on such share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers, and subject to the by-laws upon this subject.

Penalty on delay in paying instalments.

May amount to forfeiture.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers, their superintendents, engineers, artists, and workmen, to enter into and upon all the lands and inclosures near to the place where the said bridge is to be built, and to take all stones convenient, and to examine the ground for the purpose of opening quarries of stone, and of obtaining gravel, sand, or other materials, for the building of said bridge, and to enter with teams of any kind, first giving notice to the owners; and in case of his dissent, then an application shall be made to any justice of the peace for said county where the premises are, who is hereby empowered to command any constable to summon three disinterested freeholders, who shall appraise and estimate the damages done; subject, however, to an appeal within twenty days, and in the ordinary form by either party to the court of common pleas for said county: *Provided,* That nothing herein contained shall be construed as authority for said company to erect the said bridge, against the consent of the owner of the ground which it would occupy, nor to erect the same so as in any manner to impede or obstruct the free navigation of said river.

Right to enter inclosures, &c. for materials.

Notice to owner.

Appraise-ment of damages.

Proviso. Restrictions.

SECT. 9. *And be it further enacted by the authority aforesaid,* That whenever it shall appear manifestly to the said president, managers and company, at any such general meeting, or at any special meeting, that the said bridge cannot be completed without extending the number of shares, the same shall be extended under the direction of such meeting, so far as may be necessary to complete the proposed bridge, which additional shares shall be sold and regulated in all respects, and be attended with the same rights and privileges as the original ones are.

Extension of capital.

SECT. 10. *And be it further enacted by the authority aforesaid,* That when a safe passage may be had across the said bridge, that then the property of the same shall be invested in the said corporate company, their successors and assigns, forever; and the said company, their successors and assigns, are hereby empowered to erect gates, and demand and re-

Rates of toll.

ceive tolls, not more than as follows, viz: For every foot passenger, six cents; for every carriage, of whatever description, used for the purposes of trade or agriculture, having four wheels, and drawn by six horses, one dollar and fifty cents; for every such carriage, having four wheels and drawn by five horses, one dollar and twenty-five cents; for every such carriage having four wheels, and drawn by four horses, one hundred cents; for every such carriage drawn by three horses, seventy-five cents; for every such carriage drawn by two horses, sixty-two and a half cents; for every such carriage drawn by one horse, thirty-seven and a half cents; for every carriage drawn by four horses, and used for personal accommodation or pleasure, one dollar; for every such carriage drawn by two horses, seventy-five cents; for every such carriage drawn by one horse, fifty cents; for every carriage having two wheels, and used for purposes of trade or agriculture, thirty seven and one half cents; for every such carriage drawn by one horse, twenty-five cents; for every sled or sleigh, drawn by four horses, seventy five cents; for every sled or sleigh drawn by two horses, fifty cents; for every sled or sleigh drawn by one horse, thirty-one and a fourth cents; for every horse, mare, or gelding, with a rider, twenty-five cents; for every horse, mare, or gelding, without a rider, eighteen and three fourth cents: every carriage drawn by oxen, or partly by oxen, to be rated in the proportion of two oxen for one horse; every head of horned cattle three cents, and every head of sheep and swine two cents: *Provided*, That any person or persons going to, or returning from public worship, on Sabbath days, or any detachment of militia of this state, and those who attend funerals, shall at all times be exempted from paying toll.

Proviso.
Who shall
pass free.

Penalty on
exaction or
neglect.

How recover-
ed, &c.

Proviso.
Suits must be
brought with-
in 30 days.
2d proviso.
Appeal.
Company pri-
vileged to ex-
act penalties
from persons
wilfully inju-
ring property
&c.

SECT. 11. *And be it further enacted by the authority afore-*
said, That if the said company, their successors or assigns,
or any person employed by them, shall collect or demand
any greater rates or prices for passing over said bridge, than
what is hereinbefore prescribed, or shall neglect to keep said
bridge in repair, he or they shall, for every such offence, for-
feit and pay thirty dollars, one half thereof to the use of the
poor of York county, and the other half to the use of the
person suing and recovering in said suit, to be recovered be-
fore any justice of the peace in and for York county: *Pro-*
vided always, That no suit shall be brought in this respect,
unless within thirty days after the offence is committed:
Provided also, That the judgment in such case shall be
liable to revision by appeal or certiorari, as the case may be,
to the common pleas.

SECT. 12. *And be it further enacted by the authority afore-*
said, That if any person or persons shall wilfully pull down,
break, or destroy, with intent to injure, any part or parts of
said bridge, or any toll house, bars or gates, or any other

property of the said corporation, appurtenant to or erected for the use and convenience of said bridge, or the person employed in conducting the business thereof, or shall wilfully, and without the consent and orders of said corporation, or any person or persons authorised by them, deface or destroy the letters or figures, or other characters, in any written or printed list of the rates of toll, affixed in any place for the information of passengers and others, or who shall wilfully and maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she, or they, so offending, shall each of them forfeit and pay to the said corporation, for every such offence, the sum of twenty dollars, to be sued for and recovered before any justice of the peace, as debts of the like amount are recoverable; and he, she, or they, so offending, shall remain liable to actions at the suit of said corporation for such doings, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That no suit be brought, unless within thirty days after such offence shall have been committed. Proviso.
Suits to commence within
30 days.

SECT. 13. *And be it further enacted by the authority aforesaid*, That if the said company shall not proceed to carry on said work within the space of two years from the passing of this act, and shall not within the space of five years from the passing thereof, complete the said bridge, then this act shall be wholly null and void. Bridge to be commenced with in 2 and completed in 5 years.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 125.

AN ACT

To revive and further to continue an act to encourage the warranting and patenting of lands north and west of the rivers Ohio and Allegheny and Conewango creek.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the acts, passed on the first and twentieth days of March, one thousand eight hundred and eleven, relative to the settlement of disputed titles, and to encourage the Acts of 1st & 20th March, 1811, and provisions of act of 14th March, 1814, extended 5 years.

patenting of lands north and west of the rivers Ohio and Allegheny and Conewango creek, and the provisos to the act passed the fourteenth day of March, one thousand eight hundred and fourteen, entitled "An act explanatory of an act for the sale of vacant lands within this Commonwealth," be and the same are hereby revived and continued in force until the first day of April, one thousand eight hundred and thirty-six.

Proceedings
under acts for
past year
legalized.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all proceedings under the said acts, since the first day of April last, are hereby recognized as valid, in the same manner as though the said acts had not expired.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF,

No. 126.

AN ACT

To confirm the proceedings of the several courts in Tioga county, at May term, one thousand eight hundred and thirty.

Preamble.

WHEREAS, by act of assembly, passed the twenty-seventh day of March, one thousand eight hundred and thirty, the time of holding the several courts of the county of Tioga, was altered, and the said alteration not being known to the judges thereof, a court was held for May term, one thousand eight hundred and thirty, at the time previously prescribed; Therefore,

Court not ha-
ving been
held at time
fixed by law.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the acts and proceedings of the court of common pleas, quarter sessions and orphans' court, in and for the county of Tioga, at their May term, one thousand eight hundred and thirty, be as valid and legal, to all intents and purposes, as if the same had been held at the time appointed

by the act of twenty-seventh of March, one thousand eight hundred and thirty; and that all writs issued and process returned be as valid as if the courts had been held in pursuance of the said recited act of assembly, any thing therein contained to the contrary notwithstanding.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 127.

AN ACT

Extending an act, entitled "An act securing to mechanics and others payment for their labor and materials in erecting any house or other building within the city and county of Philadelphia," to the counties of Bedford, Cambria, Tioga and Armstrong.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the act entitled "An act securing to mechanics and others payment for their labor and materials in erecting any house or other buildings within the city and county of Philadelphia," passed the seventeenth day of March, one thousand eight hundred and six, with the supplement thereto, passed the twenty-eighth day of March, one thousand eight hundred and eight, shall be and the same are hereby declared to be in full force and operation in the counties of Bedford, Cambria, Tioga and Armstrong; and mechanics and others in the said counties of Bedford, Cambria, Tioga and Armstrong, shall have like remedy, under the said acts, as though they were herein enacted at full length.

Acts of 17th
March, 1826,
and 28th
March, 1828,
extended.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 128.

AN ACT

For the relief of Adam Cramling and Andrew Little, soldiers of the revolution.

§40 gratuity and annuity to A. Cramling.
SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay to Adam Cramling, of Berks county, a soldier of the revolution, or to his order, forty dollars, immediately, and an annuity of forty dollars, payable half yearly, during life, to commence on the first day of January, eighteen hundred and thirty-one.

§40 gratuity to A. Little.
SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Andrew Little, of Adams county, a soldier of the revolution, or to his order, forty dollars, immediately, as a gratuity, and compensation in full for revolutionary services.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 129.

A SUPPLEMENT

To an act, entitled "An act to incorporate Loller Academy, in the village of Hatborough, in the county of Montgomery."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, in case the subscribers to Loller academy neglect to hold an election for trustees on the day mentioned in the act to which this is a supplement, an election shall be held as soon thereafter.

Provision for case of neglect to hold election for trustees.

ter as possible, ten days notice thereof being first given, in at least two of the newspapers published in the county of Montgomery, by the secretary or treasurer of the said academy.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, and which is hereby altered and supplied, be and the same is hereby repealed. Repealing clause.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 130.

A FURTHER SUPPLEMENT

To the act, entitled "An act to incorporate the Kensington district of the Northern Liberties."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter the general elections, in the Kensington district of the Northern Liberties, shall be held in the manner following, that is to say: for the Eastern district, at the tavern, sign of the white horse, kept by Widow Harris, on the Frankford road; and for the Western district, at the public house, at the intersection of Second street and Germantown road, kept by John Haines. Places of holding general election in east and west districts.

SECT. 2. *And be it further enacted by the authority aforesaid,* That hereafter the inspectors of the general election, elected for the Eastern Kensington district, shall meet at eight o'clock on the morning of the general election, at the place for holding said election, and choose three persons qualified to vote at the said election, to act as judges of said election; and the inspectors of the Western Kensington district, shall meet at the place for holding the said election in the Western district, at the same hour, and there choose three citizens, qualified as aforesaid, to act as judges of the said election for the Western district. Time of inspectors meeting, choice of judges, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the judges of the said election for the Eastern district, shall appoint one of their number as return judge; and the Meeting of return judges.

judges of the Western district, shall also appoint one of their number as return judge; and the return judges thus appointed, in addition to the duties prescribed by the laws regulating the general elections, shall meet on the Wednesday following the said election, at the school house, in Hope street, or at the place where the commissioners of the said district hold their meetings, at three o'clock in the afternoon of said day, and shall there compare the votes given in their respective districts, and shall under their hands and seals certify to the board of commissioners, the names of the commissioners elected, with the number of votes in favor of each, and shall within two days after such election, give notice in writing to each of the commissioners elect, of their respective elections.

Qualifications of commissioners of Kensington district.

SECT. 4. *And be it further enacted by the authority aforesaid,* That no person shall hereafter be eligible for the office of commissioner of the Kensington district of the Northern Liberties, unless he is qualified for a seat in the legislature of the state.

Repealing clause.

SECT. 5. *And be it further enacted by the authority aforesaid,* That so much of any act or acts, to which this is a supplement as is hereby altered or supplied, be and the same is hereby repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 131.

AN ACT

Relative to the liens of mechanics, and others.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, all claims, filed or entered in pursuance of the act to which this is a further supplement, within six months after performing the work, or furnishing the materials, shall continue to bind

Liens entered within six months to bind 5 years from day of filing same.

the buildings or dwelling houses against which the same are entered, for the term of five years, from the day of filing the same; and no claim, so as aforesaid filed, shall bind any building or dwelling house, for a longer period than five years from the day of filing the same, unless within that time the person who has filed the same, his executors, administrators, or assigns, shall issue a scire facias thereon.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in all cases where any claim or claims has or have been filed, or shall hereafter be filed, the legal or equitable owner or owners of the buildings or dwelling houses, bound thereby, or any person interested, may apply to the court on the proper docket of which the same is or are filed, by petition, setting forth the facts; which said court shall order an issue to be formed and tried, to ascertain if any, and what sum is due upon such claim or claims, and shall have power to make orders in relation to such issue, and the mode of trying the same, and the costs thereof, as fully as any court of equity might or could do, in relation to any issue ordered by such court of equity.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in all cases where the amount of any claim has been paid and satisfied, and no satisfaction entered on the record thereof, the legal or equitable owner or owners of the building or dwelling house, or dwelling houses, bound by the same, may, in order to have satisfaction entered on the record, proceed against the person filing such claim, his executors, administrators, and assigns, in the same manner, and shall have the rights and remedies provided for defendants and purchasers of real property, by the fourteenth section of the act of assembly of this commonwealth, entitled "An act to establish the judicial courts of this commonwealth, in conformity to the alterations and amendments in the constitution," passed the thirteenth day of April, one thousand seven hundred and ninety-one.

AND WHEREAS, it sometimes happens that several houses and other buildings, adjoining each other, are erected by the same owner, so that it is impossible for the person who has found and provided materials for the same, to specify in his claim filed the particular house or other building for which the several items of his demand were so found and provided: *And whereas,* doubts have arisen as to the true construction, in such case, of the laws of this commonwealth: Therefore,

SECT. 4. *Be it further enacted by the authority aforesaid,* That it shall and may be lawful, in every such case, for the person so finding and providing materials as aforesaid; for two or more adjoining houses, and other buildings, built by the same person, owner of the same, and debtor for the said materials, to file with his claim thereof, an apportionment of the amount of the same among the said houses and

Appeal of
owner of
buildings.

Where claim
is paid and
satisfaction
not entered,
redress of
owner.

Preamble to
4th section.

Apportion-
ment of
claims for ma-
terials in se-
veral build-
ings owned
by same per-
son.

other buildings; and each of the said houses and other buildings shall be subject to the payment of its said apportioned share of the debt contracted, in the same manner as is provided by law in other cases.

FREDK. SMITH,

Speaker of the House of Representatives.

WM G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 132.

AN ACT

To extend the charter of the bank of the Northern Liberties, and the charter of the Monongahela bank of Brownsville.

Charter of
bank of N.
Liberties ex-
tended 10
years from
May, 1835.

Proviso.
To be subject
to restrictions
&c.

Certain offi-
cers not to
hold stock.

Same exten-
sion and re-
strictions in
case of
Brownsville
bank.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled "An act to re-charter certain banks," approved the twenty-fifth day of March, one thousand eight hundred and twenty-four, be and the same is hereby extended, for and during the term of ten years, from and after the first Wednesday in May, one thousand eight hundred and thirty-five, so far as the provisions of said act relate to the bank of the Northern Liberties, in the county of Philadelphia: *Provided nevertheless,* That said bank shall be subject to such alterations, provisions and restrictions as the legislature may at any time hereafter think proper to enact, for the better regulating of the banking institutions of this commonwealth; and also to all requisitions as to a bonus or premium to be paid to the commonwealth, as a consideration for the privileges herein granted, as now by law are demanded, or as the legislature may at any time hereafter demand; that no officer of said bank, except the president and directors, shall hold any stock, directly or indirectly, in said bank.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the act, entitled "An act to re-charter certain banks," approved the twenty-fifth day of March, one thousand eight hundred and twenty-four, be and the same is hereby extended, for and during the term of ten years, from and after the first Wednesday in May, one thousand eight hundred and

thirty five, so far as the provisions of said act relate to the Monongahela bank of Brownsville: *Provided nevertheless*, That said bank shall be subject to such alterations, provisions and restrictions, as the legislature may at any time hereafter think proper to enact, for the better regulating of the banking institutions of this commonwealth; and also of all requisitions, as to a bonus or premium to be paid to the commonwealth, as a consideration for the privileges herein granted, as now by law is demanded or as the legislature may at any time hereafter demand.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—the thirtieth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 133.

AN ACT

Directing the Auditor General to settle the accounts of certain collectors of toll and lock keepers, on the Pennsylvania canal.

WHEREAS, by the fifteenth section of an act, passed the twenty-fourth day of March, one thousand eight hundred and twenty-eight, the board of canal commissioners were authorised to appoint as many collectors of toll and lock keepers, as they might deem necessary, for the passage of boats along the Pennsylvania canal: *And whereas*, the said board, agreeably to the above recited act, did appoint collectors of toll and lock keepers, at certain points on the canal, some time in the autumn of eighteen hundred and twenty-nine: *And whereas*, by the operation of a resolution, passed the eighth day of January, one thousand eight hundred and thirty, the accountant department cannot allow the collectors of toll and lock keepers, appointed in conformity to the above mentioned act, compensation from the time they were directed by the board to enter upon the discharge of their respective duties: Therefore,

Sect 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the Auditor General be and he is hereby required to settle the accounts of collectors of toll and lock keepers, on the Pennsylvania canal, who were appointed by the late
Preamble.
Auditor General to allow pay from commencement of duties.

Proviso.
Compensa-
tion limited.

board, and directed to take charge of their respective duties, and allow their compensation to commence at the time they were severally directed to and actually did enter upon the discharge of their respective duties: *Provided, That such compensation shall not exceed that allowed to collectors and lock keepers on the Pennsylvania canal.*

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—the thirtieth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 134.

AN ACT

Authorising the Governor to incorporate the Warren and Ridgeway turnpike road company.

Commission-
ers to open
books.

Form of sub-
scription.

\$25 per share.

Notice.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of making a turnpike road, beginning at the line of the state of New York, near where the Cone-wango creek crosses the same, in Warren county, through the town of Warren, to the Milesburg and Smethsport turnpike road, at Ridgeway settlement, in Jefferson county, Joseph Hackney, Rufus Wetherby and Robert Falconer, of Warren county, and Enos Gilles, and Reuben A. Aylesworth, of Jefferson county, be and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned, that is to say: they shall procure a book and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Warren and Ridgeway turnpike road company, the sum of twenty-five dollars for every share by us subscribed, in such manner and proportions, and at such times and places, as shall be determined on by the said president and managers, in pursuance of an act, entitled "An act authorising the Governor to incorporate the Warren and Ridgeway turnpike road company." Witness our hands the day of Anno Domini, one thousand eight hundred and ;" and shall give at least thirty days notice, in all the newspapers published in Warren and Jefferson counties,

of the time and place, when and where the said book shall be opened to receive subscriptions of stock of the said company; at which time and place, some one or more of the said commissioners shall attend and receive subscriptions, from all persons of lawful age, who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day, for the space of six days, or until the book shall have subscribed therein five hundred shares; and the said commissioners may adjourn from time to time, and transfer the book from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer, the said commissioners shall give such notice as the occasion may require.

Whole No.
500 shares.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when twenty or more persons shall have subscribed two hundred or more shares, and the said commissioners, or a majority of them, shall have certified under their hands and seals to the governor, the names of the subscribers, and the number of shares subscribed by each, it may be lawful for the governor by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also all those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of "The Warren and Ridgeway turnpike road company;" and by the said name, the said subscribers shall have perpetual succession, and the privileges, and franchises, incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intention of this act, and of purchasing, taking and holding to them, and their successors and assigns, and of selling, transferring and conveying in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing, which a corporation or body politic may lawfully do.

When 20 persons take 200 shares character may issue.

and Style.

Privileges and liabilities.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the stockholders, or any two of them named in the letters patent, shall as soon as conveniently may be, after the issuing of the same, give notice in all the newspapers published in the counties of Warren and Jefferson, of a time and place to be by them appointed, not less than twenty days from the time of the first notice; at which time and place the said subscribers, or as many of them as may be then present, shall proceed to organize the said company, and shall choose by a majority of the said subscribers, by ballot, either in person, or by proxy duly authorised, one pre-

Organization of company.

President, 6
managers,
treasurer, &c.
pro tem.

Vacancies
how supplied.
Seal.
By-laws.

Proviso.
Ratio of votes
to shares.

2d proviso.
Delinquents
not to vote.

Of the treasu-
rer.

Annual meet-
ing of stock-
holders.

Stock certifi-
cates.

Transferable.

sident, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized, agreeably to the provisions of this act; and in case of the death, removal, or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy, until the said next annual election of said company; they may make and have one common seal, and the same may break, alter or renew at their pleasure; and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote, for every share of stock by him or her held, not exceeding five, but no share or number of shares above five, shall entitle the holder to more than two votes at any election or meeting of said company: *And provided also*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares, by him or her held at the time of such election or meeting, shall have been fully paid and discharged.

SECT. 4. *And be it further enacted by the authority aforesaid*, That if any treasurer elected by virtue of this act, shall die, resign or refuse to act, or neglect to give such security for the faithful discharge of the duties of his office, as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer, which person so appointed shall hold the office to which he shall have been appointed, until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected, and give the security required.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the stockholders shall meet on the first Monday in July, in each succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing, in manner aforesaid, such officers as aforesaid. for the year ensuing the terms of service of those previously elected.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the said president and managers shall make out certificates of stock, signed by the president, and countersigned by the treasurer, and sealed with their corporate seal, and deliver one such certificate to each subscriber, for any share or number of shares by him or her held, on his or her paying to the treasurer on each share so held the sum of five dollars; which certificates shall be transferable in person or by attor-

ney on the books of the said company, only subject to the sum due or to become due on the shares so transferred.

SECT. 7. *And be it further enacted by the authority aforesaid,*

That it shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers, to enter in, and upon all the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine the ground, and the quarries of stone and gravel, and other materials that may be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route for said road, as in the best of their judgment and skill, will combine shortness of distance, with the most eligible ground within the points aforesaid.

Right to enter enclosures for materials, &c.
Location.

SECT. 8. *And be it further enacted by the authority aforesaid,*

That the said president and managers, five of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings fairly entered in a book, to be kept for that purpose, and shall have full power and authority to appoint, agree or contract with such engineers, superintendents, artists, laborers, and other persons as they may think necessary to make and construct said road, and collect the tolls hereinafter authorised, and to fix their compensation, to ascertain the times, manner and proportions, in which the stockholders shall pay the amount of their respective shares, in order to carry on the work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a quorum of the managers, and attested by their secretary, and to do and transact all other acts, matters and things, as by the by-laws, orders and regulations of the said company, shall be entrusted to them.

General powers of president and managers.
Orders on treasurer.

SECT. 9. *And be it further enacted by the authority aforesaid,*

That if any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers, printed in the town of Warren, if there be two published, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion, at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall in addition to the instalment so called for, pay at the rate of two per centum per month, for every delay of such payment, and if the same and additional penalty shall become equal to the sums before paid in part, on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as can be obtained therefor, or in default of payment of any stockholder of any such instalments as aforesaid, for the space of sixty days as aforesaid, the president and managers may at

Penalty on delay in paying instalment.

Shares may be forfeited or suit may be brought against delinquents.

their election, cause suit to be brought in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

Notice to be given of entrance upon contiguous land.

Mode of assessing damages.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen, and laborers, their tools and instruments, carts, wagons, and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intention to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement by the parties; or if they cannot agree then upon a just and equitable assessment, to be made upon oath or affirmation, by three disinterested freeholders or any two of them, to be mutually chosen; or if either party, upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county of Warren or Jefferson, as the case may be, who shall not be interested therein; and upon the tender of the assessed value, to dig, take and carry away any timber, stone, sand, earth, or other materials necessary or suitable for making said road.

Annual statement of accounts.

Increase of capital stock.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the said president and managers shall keep fair and just accounts, as well of all monies received by them, as of those paid, laid out, and expended in the prosecution of said work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of said company is not sufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting, convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as they shall deem sufficient to accomplish the work, and to demand and receive the monies subscribed for such additional shares, in like manner and under the like penalties as are provided by this act, in the case of the original subscriptions.

Erection of bridges.

Dimensions of road, &c.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, whenever the same shall be found necessary; and shall cause a road to be laid out, not exceeding thirty feet in width, and shall cause at least sixteen feet of said width to be made an artificial road, of wood, stone, gravel, or other proper and convenient materials, such as the nature of the ground may require and will afford, to be constructed in such manner as will admit an

even surface; and in such places where the road shall not be made of stone, to rise towards the centre by a gradual arch, to the height of eighteen inches; and in no place in said road shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in good order and repair: *Provided*, That it shall and may be lawful for the president and managers, whenever they may deem it necessary, to cut, deaden, and prostrate the timber on each or either side of the said road, within a distance not exceeding one hundred feet from the centre of the said road.

Proviso.
Company may cut timber adjoining road.

SECT. 13. *And be it further enacted by the authority aforesaid*, That whenever, and as often as the said company shall have finished five miles or more of said road, the president thereof may give notice to the Governor, who shall thereupon forthwith appoint three skilful, judicious, and disinterested persons, to view and examine the same, and report on oath or affirmation to him, whether the road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the Governor shall, by license under his hand and seal of the state, permit and suffer said company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect from all persons travelling the same otherwise than on foot, the same tolls which are hereinafter authorised and granted: *Provided*, That all persons attending funerals, military parades or trainings, or divine worship, on the Sabbath day, shall at all times be exempted from the payment of any tolls on said road.

On completion of 5 miles.

License to take toll may issue.

Proviso.
Exempts from toll.

SECT. 14. *And be it further enacted by the authority aforesaid*, That for collecting and receiving tolls, and for every attempt to evade the payment thereof; for every neglect to keep the said road in good repair; for the increase, diminution, and application of tolls, the erection of index posts, and for injuring and defacing the same; for the regulation of the travelling on the said road, and for limitations of actions, and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers, authorities, rights and privileges, and be subject to all the penalties which are given and granted by the act entitled, "A supplement to an act, entitled An act authorising the Governor to incorporate a company for making an artificial road from the bank of the river Susquehanna, opposite the borough of Harrisburg, to Pittsburg," passed the thirty-first day of March, eighteen hundred and seven.

Placed under provisions of a former law with regard to tolls, &c.

SECT. 15. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the county commissioners of Warren county, to subscribe on behalf of said county

County commissioners of Warren may subscribe \$4000.

ty any number of shares of stock in the said company, not exceeding the sum of four thousand dollars.

SECT. 16. *And be it further enacted by the authority aforesaid,* That if the said company do not commence making work in 3 and the said road within three years after the passing of this act, complete in 10 years, and complete the same within ten years thereafter, then this act shall be void.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 135.

AN ACT

Authorising a loan of monies to be invested in the internal improvement fund, to be applied to the payment of repairs, damages, and other demands upon said fund, and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,*

Loan authorised to be invested in internal improvement fund.

That the Governor be, and is hereby authorised to borrow, on the credit of the commonwealth, such sum or sums of money as may be required during the ensuing year, for the purpose of defraying the expenses of necessary repairs upon the several lines of canal, and for the payment of the superintendents, collectors, supervisors, and lock keepers, and of damages assessed upon the several lines of rail-road and canal; and also for constructing a towing path along the pool of the Nanticoke dam; which sum or sums so borrowed shall be paid and vested in the commissioners of the internal improvement fund, to be applied by them to the purposes above described: *Provided,* That the above loan may be negotiated to be paid into the treasury by instalments, from time to time, as required, and shall not exceed the sum of three hundred thousand dollars, at an interest not exceeding five per centum per annum; and that no engagement shall be entered into, precluding the commonwealth from repaying the said loan at any time after the expiration of twenty-five years, from the first day of July next.

And how applied.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the commissioners of the internal improvement fund be, and they are hereby authorised and required, if there should be any deficiency in the fund for the payment of interest, on the first day of August next, to apply such portion of the monies that may be in their hands, for the construction of canals and rail roads, as will meet said deficiency; which sum or sums are to be repaid out of the proceeds arising from the several acts laying taxes upon real or personal property.

How deficiency in interest fund may be supplied.

SECT. 3. *And be it further enacted by the authority aforesaid,* That so much of the act entitled, "An act to continue the improvement of the state by canals and rail roads," as requires the instalments to be designated in the proposals for the loan authorised by said act, is hereby repealed; and the instalments may be required by the Governor from time to time, upon twenty days notice to the lenders, or in the original proposals, as may be deemed most expedient.

Repeal.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 136.

AN ACT

To incorporate the Lorberry creek rail-road company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jacob Culp and Thomas Adams, of the city of Philadelphia, Daniel D. B. Keim and Dr. George N. Eckert, of Berks county, and Henry W. Conrad and William Hoch, of Pinegrove, Schuylkill county, or any two of them, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they shall on or before the first Monday of May next, procure three books, one of which shall be opened at the coffee house, in the city of Philadelphia, one at the house of Thomas Kepple, in Reading, Berks county, and one at the

Commissioners appointed to open books.

Form of sub-
scription.

Notice.

Whole No.
200 share .

Proviso.
No. of shares
limited 1st
and 2d days.

When 100
shares are
taken and \$5
paid on each
subscriber
may be incor-
porated.

Style.

house of Henry W. Conrad, in Pinegrove, Schuylkill county; in each of which they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Lorberry creek rail-road company, the sum of fifty dollars, for every share of stock, set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of the said company; in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate the Lorberry creek rail-road company.' Witness our hands the day of in the year of our Lord, one thousand eight hundred and thirty ;" and shall thereupon give notice in one newspaper, printed in the counties of Berks and Schuylkill and city of Philadelphia, two weeks at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of said company, at which respective times and places, one or more of the commissioners shall attend and permit all persons of lawful age, who shall offer to subscribe in the said books, in their own names or the name of any other person who shall authorise the same, for shares in said stock; and the said books shall be kept open respectively for the said purpose, at least six hours in every juridical day, for the space of six days, or until there shall have been subscribed two hundred shares, and if, at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of two hundred shares shall be subscribed; of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided*, That no person shall be permitted to subscribe for more than five shares on the first day, and not more than five shares on the second day; after which any person may subscribe for any number of shares, until the whole of the stock is taken.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when one hundred shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners, or a majority of them, may certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each; whereupon the Governor shall, by letters patent under his hand and seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title

of the Lorberry creek rail-road company; and by the same name, the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded in all courts of record and elsewhere; and to purchase, receive, ^{Privileges} have, hold and enjoy to them and their successors, lands, ^{and liabilities.} tenements and hereditaments, goods, chattels and all estate, real, personal or mixed, of what kind or quality soever and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits as they may deem proper; and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish and put in execution, such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, that nothing herein contained, shall be considered as in any way giving to the said corporation any mining, trading, transporting or banking privileges, whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making of the said rail-road: *Provided further*, That the said company shall at no time hold or possess any coal land for the purpose of carrying on the coal trade,

Proviso.
Restrictions.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said named persons, or a majority of them, shall as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days previous notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained, and bear date within three months previously to the election at which such proxy shall be presented, duly authorised, one president and eight managers, all of whom shall be residents of this commonwealth, a treasurer and secretary, and such other officers as shall be deemed necessary; that the president and managers aforesaid, shall conduct the business of said company, until the first Monday of December then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations as are not inconsistent with the constitution and laws of the United States or of this state, and that may be necessary for the well governing the affairs of the company.

First election

President, 8
managers,
treasurer, se-
cretary, &c.

By-laws.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the stockholders shall meet on the first Monday of ^{Annual elec-}tion.

Special meet-
ings.

Ratio of votes
to shares.

Of votes on
transferred
shares.

Proviso.
Transfers 3
months prior
to election.
Votes by
proxy.

Manner of
conducting
election.

December, in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days by the secretary in the newspapers before mentioned, and choose by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws; at which annual or special meeting, they shall have full power and authority to make, alter or repeal by a majority of the votes, in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share, not exceeding two shares, two votes; for every two shares above two, and not exceeding ten shares, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred as aforesaid, shall confer any additional right of voting, and no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of election, nor unless it be holden by the person whose name it appears absolutely and bona fide, in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person: *Provided*, That no shares held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election; and all votes by proxy shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year of our Lord, one thousand eight hundred and twenty, entitled "An act to regulate proxies."

SECT. 5. *And be it further enacted by the authority aforesaid*, That the election of officers provided for in the fourth section of this act, shall be conducted in the following manner, that is to say: the managers for the time being, shall appoint two of the stockholders, not being managers, to be judges of the said election, and to conduct the same after having severally taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly and according to law, to conduct such election to the best of their knowledge and abilities, and the said judges shall decide upon the qualifications of the voters; and when the election

is closed, shall count the votes and declare who has been elected; and if it shall at any time happen that an election of president, managers, treasurer, secretary or other officers shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary, or other officer on the same day or any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election; and the president, managers, treasurer, secretary, and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place; in the case of death, resignation or removal from the state, of any president, managers, treasurer, secretary or other officer, his place shall be filled by the board of managers, until the next annual election.

Neglect to elect, not to dissolve.

Vacancies how supplied.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said president and managers, shall meet at such times and places as shall be found most convenient for transacting of their business, and when met, five shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions, in which the said stockholders shall pay the monies due on their respective shares, to draw orders on the treasurer for monies, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such acts, matters and things, as by this act and by the by-laws and regulations of the company they are authorised to do.

Meetings of president and managers.

General powers, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the president and managers first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation to each person, for every share by him subscribed and held, which certificate or evidence of stock shall be transferable at his pleasure, in person, or by attorney duly authorised, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of

Transfers.

Rights of original subscribers vested in assignees.

the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, of all the estates and emoluments of the company, incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

Penalty on delay in payment of instalments.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall in addition to the instalments so called for, pay at the rate of two per centum per month, for the delay of such payment; and if the same and additional penalty shall remain unpaid, for such space of time as that the accumulated penalty shall become equal to the sums before paid in part, and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same, or in default of payment by any stockholder, of any such instalment as aforesaid, the president and managers may at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid: *Provided,* That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Shares may be forfeited or suit may be brought.

Proviso. Delinquents not to vote.

Security of treasurer, &c.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company shall demand and require of, and from the treasurer, and all and every other the officers and other persons by them employed, bond, in sufficient penalties, and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them or any of them respectively committed.

Declaration of dividends.

SECT. 10. *And be it further enacted by the authority aforesaid,* That dividends of so much of the profits of the institution, as shall appear advisable to the managers, shall be declared at least twice a year, in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the nett profits, actually acquired by the company,

so that the capital stock shall never be thereby impaired; if the said managers shall make any dividend, which shall impair the capital stock of said institution, the managers consenting thereto shall be liable in their individual capacities to said company for the amount of the stock so divided, and each manager present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend: *Provided*, No dividends shall exceed twelve per centum per annum.

Not to impair capital.
Managers may be liable.
Proviso. Dividend not to exceed 12 per cent.

SECT. 11. *And be it further enacted by the authority aforesaid*, That at the end of the third year, after the date of this incorporation, and at the end of every year thereafter, there shall be furnished to the legislature, an abstract of the account of the company, showing the whole amount of their capital actually paid into the funds of the company, and the amount of dividend declared in each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president of the company for the time being.

After 3 years annual statement to be made to legislature under oath.

SECT. 12. *And be it further enacted by the authority aforesaid*, That the president, managers and company of the said rail-road company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a single or double rail-road, from the northern end of the Union canal company's rail-road, up Lorberrry creek, to a point where the two branches unite, on lands of Ley and Hawk, and up said branches to points most suitable in the heart of the coal region, in the county of Schuylkill; having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience and the interests of the stockholders, and so as to do the least damage to private property; and the said road shall not be more than sixty feet wide, and shall not pass through any burying ground nor place of public worship, nor any dwelling house, without the consent of the owner thereof, nor shall it pass through any out buildings of the value of three hundred dollars without such consent: *Provided*, That the said rail-road shall be made single or double, so as to accommodate the trade ascending as well as descending the same.

Location.
Route, &c.
Width.
Not to pass through dwelling houses, &c.
Proviso.

SECT. 13. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the president, managers and company of the said rail-road company, and their agents and all persons employed by or under them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for laying out said road, and also for the purpose of searching for stone and gravel or wood for constructing said roads; but no stone, sand, gravel or wood shall be taken away from any seated land without the con-

Right to search for materials.
Not to be taken without consent.

sent of the owner thereof, until the rate of compensation for the same be ascertained and paid, which rate of compensation if the parties cannot agree thereon, shall be ascertained in the manner hereinafter prescribed, as to the compensation for lands over which said road may be laid.

Right to construct, erect, &c. **SECT. 14.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the company hereby incorporated, to make, erect and establish, a single or double rail-road as aforesaid, to be constructed so that the said rail-road, in its progress, shall in no part of it rise above one inch to a foot; and said company are also hereby empowered to erect, make, and establish all works, edifices, and devices, to such rail-road, as may by the said company be deemed expedient, for the purposes of carrying into effect the objects of their incorporation; and also to contract and agree with the owner or owners, for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said rail-road.

Arrangement for ascertaining damages. **SECT. 15.** *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the president, managers and company, of the said rail-road company, to enter in and upon, and occupy, for the purpose of making said rail-road, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree, the compensation to be made for an injury or supposed injury that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons, to estimate such damages, who shall be under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county where the land lies; and the expenses incurred by the said appraisers shall be defrayed by the said rail-road company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty-days after requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state, or unknown, then it shall be lawful for the court of common pleas of the county in which the land lies, on application of either party, and at the cost and charge of said corporation, to appoint six disinterested persons, men of said county, to view, examine, and survey, the said lands, tenements or hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid, by reason of said rail-road, and report the same, under their oaths or affirmations, to the said court, which report, being confirmed by the said court, judgment shall be entered thereon; and the viewers shall be entitled to the like

Six viewers, how appointed, &c.

Their duty.

Report.

fees for their services as are allowed by law to reviewers of public roads and highways, to be paid by said company; and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands, from the said rail-road: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed by the provisions of the arbitration act, of one thousand eight hundred and ten; and upon the coming in of such report, and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sum in such report or judgment specified, in full compensation for said lands, or for the injury sustained as aforesaid, the said company shall become seized of the same estate, in the said lands which the owner held in the same: and they, and all who act under them, shall be acquitted and freed from all responsibility for, and on account of such injury: *Provided*, That the payment of damages aforesaid, for land through which the said road may be laid, shall be made before the said company, or any person under their direction or in their employ, shall be authorised to enter upon and break ground in the premises, except for the purposes of surveying and laying out said road, unless the consent of the owner of such land be first obtained.

Fees, &c.

Proviso.
Appeal from
decision.Payment of
award to vest
rights.Proviso.
Payment to
be made or
consent ob-
tained before
breaking
ground.

SECT. 16. *And be it further enacted by the authority aforesaid*, That the said rail-road shall be so constructed by the said company, as not to obstruct or impede the free use and passage of any public road or public roads, which may cross or enter at the same being now laid out, or hereafter to be laid out; and in all places where the said rail-road may cross, or in any way interfere with any public road, it shall be the duty of the said company to make, or cause to be made, a good and sufficient causeway or causeways, to enable all persons passing or travelling such public road, to cross and pass over or under the said railway, which causeway or causeways shall be made and maintained by the said company; and if the said company shall refuse or neglect to make such causeway or causeways, or when made, to keep the same in good repair, they shall be liable to pay a penalty of ten dollars for every day the same shall be neglected or refused to be made or repaired, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable; and shall, moreover, be liable to an action or actions, at the suit of any person who may be aggrieved thereby; and the service of process upon any officer or agent of said company, shall be as good and as available in law as if served upon the president thereof.

Erection of
public cause-
ways.To be kept in
repair.
Penalty on
neglect.
How recover-
ed, &c.Service of
process.

SECT. 17. *And be it further enacted by the authority aforesaid,* That for the accommodation of all persons owning or possessing land through which the said rail-road may or shall pass, and to prevent inconveniences to such persons in crossing or passing the same, it shall be the duty of the said company, when required, to make, or cause to be made, a good and sufficient causeway or causeways, wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over or under the same, with wagons, carts, and implements of husbandry, as occasion may require: *Provided,* That the said company shall in no case be required to make, or cause to be made, more than one causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said rail road may or shall pass; and where any public road shall cross said rail road, the person owning or possessing said land through which the said road shall pass, shall not be entitled to make such requisition on said company; and the said causeway or causeways, when so made, shall be maintained and kept in repair by said company; and if said company shall refuse or neglect to make such causeway or causeways, or when made, to keep the same in good repair, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person, in consequence of such refusal or neglect, to be sued for and recovered before any magistrate, or any court having cognizance thereof; and the service of process upon any officer or agent of said company, shall be as good and available in law, as if served upon the president thereof.

Private cause ways.

Proviso.
But one for each owner.

None where a public road crosses.

Penalty on neglect.

Service of process.

SECT. 18. *And be it further enacted by the authority aforesaid,* That no suit or action shall be brought or prosecuted by any person or persons, for penalties incurred under this act, unless said suit or action shall be commenced within six months next after the offence shall have been committed, or the cause of action shall have accrued; and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Suits must be commenced within six months.

SECT. 19 *And be it further enacted by the authority aforesaid,* That the company shall not prevent any person or persons, being the owner or owners of land bordering on the said rail road, or adjacent thereto, from making such lateral rail-roads, and to connect them with said rail-road from their said lands, as the said person or persons may conceive necessary for the purpose of transporting their coal or produce down the said rail-road.

Connexion with other rail-roads.

SECT. 20. *And be it further enacted by the authority aforesaid* That on the completion of the said rail-road, the same shall be esteemed a public highway, free for the transporta-

Road to be a highway.

tion of all commodities; and the said company may charge and receive tolls, and for freights on and for the transportation of goods, wares, and merchandise, at the following rates, that is to say: on each ton of coal, one cent and a half per mile; on each ton of salt, gypsum, and lime, one and a half cents per mile; on brick, per thousand, two cents; on lumber, squared and round, per one hundred feet, solid, two cents per mile; on boards, plank, scantling, or other sawed stuff, reduced to inch stuff, two cents per one thousand feet per mile; shingles per thousand, one cent per mile; on staves, and heading for pipes and hogsheads, per mile, two cents per thousand; and staves and heading for barrels, and other vessels of less size, one cent and a half per mile per thousand; on all other articles not enumerated, three cents per ton per mile; on all single and detached articles, weighing less than a ton, it shall be lawful to charge and receive, on the transports thereof, an advance of twenty per centum on the rates as above established; and for every horse, not employed in drawing a car on which toll is chargeable, half a cent per mile; for every horse and its rider, one cent per mile; for every person drawn in a car or carriage, other than the person employed to drive the same, half a cent per mile: *Provided*, That whenever the aforesaid tolls shall exceed twelve per centum on the capital expended, they shall be reduced so as not to exceed that amount: *Provided also*, That every person or persons using the said road, shall only use those carriages and wagons, and conveyances, which shall be adapted thereto, which said carriages, wagons, and conveyances, to be used thereon, for the transportation of persons or commodities, shall be prescribed by the said company.

Rates of toll.

Proviso.
To be reduced
when produce
exceeds 12
per cent.
2d proviso.
Company to
direct the
kind of cars.

SECT. 21. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully and knowingly break, injure, or destroy the rail-road, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she, or they, shall forfeit and pay to the said company, the actual damages so sustained, to be sued for and recovered with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the said company.

Penalty on
wilful injury
to works.

SECT. 22. *And be it further enacted by the authority aforesaid*, That if the president, managers and company, shall not proceed to carry on the said work within two years after the passage of this act, and shall not complete the same as aforesaid in five years, according to the true intent and meaning of this act; or if, after the completion of the said road, the said corporation shall suffer the same to go to decay and be impassable, for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

To be commenced in 2
and completed in 5 years.

Increase of
capital.

Not to exceed
\$30,000.

Reservation
of right to
repeal.

Annual state-
ment to Audi-
tor General.

Tax on divi-
dends.

SECT. 23. *And be it further enacted by the authority aforesaid,* That if any increase of the capital stock be deemed necessary by the stockholders, to complete the said rail-road, it may be lawful for the said president, managers, and company, at a stated or special meeting convened for the purpose, to increase the number of shares, so that the capital of said company shall not exceed thirty-thousand dollars; and to receive and demand the money for shares so subscribed in like manner, and under like penalties, as hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

SECT. 24. *And be it further enacted by the authority aforesaid,* That the legislature reserves the right to revoke, alter, or annul the charter hereby granted, at any time they may think proper, or to purchase the right of the said company, and the rail road, with its appurtenances, at any time after thirty years from the passage of this act, at a reasonable price and valuation.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the president or secretary of the said company shall, annually, on the first Monday of September, transmit to the Auditor General, a full statement, under oath, of the said company; and that the said company shall pay to the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum, on the capital stock actually paid.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 137.

AN ACT

To authorise the Governor to incorporate a company for making a turnpike road, from the nearest eligible place on the Bethany and Dingman's Choice turnpike, not to exceed four miles from Honesdale, to the Narrows of the Delaware river, at Big Eddy, in Wayne county.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Moses Thomas, Nathan Skinner, Lot Jackson, Charles Forbes and John Forrey, be and they are hereby appointed commissioners to do and perform the several

Commission-
ers to open
books.

things hereinafter mentioned, that is to say: they shall on or before the first day of September next, procure two books, and in each of them, enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Honesdale and Big Eddy turnpike road company, the sum of twenty-five dollars for every share of stock in said company, set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to authorise the governor to incorporate a company for making a turnpike road from the nearest eligible place on the Bethany and Dingman's choice turnpike, not to exceed four miles from Honesdale, to the Narrows of the Delaware river, at Big Eddy, in Wayne county." Witness our hands the day of in the year of our Lord, one thousand eight hundred and ;" and thereupon, shall give notice in two or more of the public papers printed nearest the route of the said road, for twenty days at least, of the time and places, when and where the said books shall be opened to receive subscriptions for the stock of the said company; at which times and places, one of the said commissioners shall attend and permit and suffer all persons of lawful age, who shall offer to subscribe in said books, in their own names, or in the name or names of any other persons who shall duly authorise the same, for any number of shares of said stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every judicial day for the space of six days, or until the said books shall have four hundred shares therein subscribed; and if at the expiration of the said six days, the books aforesaid shall not have the said number of two hundred shares therein subscribed, the commissioners respectively may adjourn from time to time, and transfer the said books from place to place until the whole number of shares shall be subscribed, of which adjournment and transfers the commissioners aforesaid, shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to four hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in said book, in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

Form of subscription.

\$25 per share

Notice required.

Whole No. 400 shares.

Proviso.

\$1 to be paid on each share when subscribed.

When 20 persons take 150 shares charter may be granted.	SECT. 2 <i>And be it further enacted by the authority aforesaid,</i> That when twenty persons or more, shall have subscribed one hundred and fifty shares of the said stock, the said commissioners, respectively, may or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals, the names of the subscribers and the number of shares subscribed by each, to the governor of this commonwealth; whereupon it shall and may be lawful for the governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the "president and managers of the Honesdale and Big Eddy turnpike road company;" and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises, incident to a corporation; and shall be capable of taking and holding the said capital stock and the increase and profits thereof; and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, or for any less estate, of all such lands, tenements, hereditaments and estates, real and personal as shall be necessary to them in the prosecution of their work; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.
Style.	
Privileges and liabilities	
Organization of company.	SECT. 3. <i>And be it further enacted by the authority aforesaid,</i> That the commissioners aforesaid, as soon as conveniently may be, after the said letters patent shall be sealed and obtained, shall give public notice in two of the public papers printed nearest the route of the said road, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice; at which time and place the said subscribers shall proceed to organize the said corporation; and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in by person or by proxy duly authorised, one president and six managers, one treasurer and such other officers as may be necessary to conduct the business of said company for one year, and until such other officers be chosen; and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: <i>Provided always,</i> That no person shall have more than ten votes at any election, or in determining any question arising at such meeting,
Officers proposed.	
By-laws.	
Proviso. One vote each share up to ten.	

whatever number of shares he may be entitled to; and that each person shall be entitled to one vote for every share by him held under that number.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said president and managers, ^{Right to enter their superintendents, surveyors, artists and chain bearers enclosures to} to enter in and upon all and every the lands, tenements ^{locate and for materials.} and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and examine the ground most proper for the purpose, as well as the materials in the vicinity that may be necessary in making and constructing the said turnpike road; and to survey, lay down, ascertain, mark and fix such route or track for the said road, as in the best of their skill and judgement will combine shortness of distance with the most practicable ground; and generally they shall have like powers, authorities and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like toll and profits in ^{General powers similar to those of Co-shecton and Great Bend company.} proportion to the distance, as are given and granted to the president and managers and company of the Coshecton and Great Bend turnpike road, in and by an act of assembly of this commonwealth, passed the twenty-ninth day of March, Anno Domini, eighteen hundred and four.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president and managers of the said road, shall ^{Width, construction, &c. of road.} make or cause the same to be made, not less than forty nor more than fifty feet in width, and at least twenty feet thereof shall be made an artificial road, in the following manner, to wit: all the timber shall be taken out by the roots and removed from the road, which shall, when the original location is level, or nearly so, be at least two feet higher in the centre than at the sides; it shall be well and sufficiently ditched, so as to carry off the water, and keep the road in its foundation firm and dry; it shall be constructed of firm and substantial materials, composed of wood, gravel, stone, slate, sand or other hard substance, such as the nature of the ground along which the road may pass will admit of, so as to secure a solid foundation, a smooth and firm surface and a well made permanent highway, and so nearly level in its progress, that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line; and the said president and managers shall erect permanent bridges, with sufficient abutments and piers, ^{Bridges.} over all the streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair.

SECT. 6. *And be it further enacted by the authority aforesaid,*
 That if the said company shall not proceed to carry on the
 said work, within three years after the passing this act, or
 shall not within five years thereafter complete the same, ac-
 cording to the true intent and meaning of this act, then or
 in either of those cases, all and singular the rights, liberties,
 privileges and franchises hereby granted shall revert to the
 commonwealth.

To commence
work in three
and complete
in five years.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one
 thousand eight hundred and thirty-one.

GEO. WOLF.

No. 138.

AN ACT

To authorise the Governor to incorporate the president, managers and com-
 pany of the Bald Eagle, Nittany and Bellefonte turnpike road company.

Commission-
ers to open
books.

Form of sub-
scription.

\$50 per share.

SECT. 1. *Be it enacted by the Senate and House of Repre-
 sentatives of the Commonwealth of Pennsylvania in General
 Assembly met, and it is hereby enacted by the authority of the
 same,* That William W. Huston, George Bressler, James
 Brown, Isaac McKinney, Thomas Burnside, Samuel H. Wil-
 son, Robert Tate, William Carner and John Rankin, be and
 they are hereby appointed commissioners, to do and perform
 the several things hereinafter mentioned, that is to say: they
 shall, on or before the first day of May next, procure a book
 and enter in it as follows: "We, whose names are hereunto
 subscribed, do promise to pay unto the president, managers
 and company of the Bald Eagle, Nittany and Bellefonte
 turnpike road, the sum of fifty dollars for every share of said
 stock set opposite to our respective names, in such manner
 and proportions, and at such times as shall be determined
 on by the president and managers of the said company, in
 pursuance of an act of the general assembly of this common-
 wealth, entitled "An act to authorise the governor to incor-
 porate the president, managers and company, of the Bald
 Eagle, Nittany and Bellefonte turnpike road;" as witness
 our hands the day of in the year of our

Lord one thousand eight hundred and ;" and shall thereupon give notice in two newspapers, printed in the Notice. county of Centre, for one calendar month at least, of the time and place when and where the said book shall be opened to receive subscriptions for the stock of the said company; at which time and place some one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in the said book in their own name, or in the name of any other person, who shall duly authorise the same, for any number of shares of the said stock; and the said book shall be kept open respectively, for the purpose aforesaid, for at least six hours, for every juridical day, for the space of three days, and until the said book so opened, shall have one hundred and fifty shares therein subscribed; and if at the expiration of the said three days, the books aforesaid, shall not have the number of shares aforesaid therein subscribed, the said commissioners respectively may adjourn from time to time, and transfer the books from place to place, until the whole number of shares shall be subscribed; of which adjournment and transfer, the said commissioners shall give public notice as the occasion may require.

Whole No. of
shares 150.

SECT. 2. *And be it further enacted by the authority aforesaid,* That whenever ten or more persons shall have subscribed fifty shares or more of said stock, the commissioners shall certify, under their hand and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor; and thereupon it shall and may be lawful for the governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body corporate and politic, by the name, style and title of "The president and managers and company of the Bald Eagle, Nit-tany and Bellefonte turnpike road;" and by the said name, the said subscribers, shall have perpetual succession and all the privileges and franchises, incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary, to fulfil the intent and meaning of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and doing all and every other matter or thing, which a corporation or body politic may lawfully do.

When 10 per-
sons take 50
shares, to be
incorporated.

Style.

Privileges,
immunities,
&c.

SECT. 3. *And be it further enacted by the authority aforesaid,*
Organization of corporation That the commissioners aforesaid, as soon as conveniently may be, after the said letters patent shall be sealed and obtained, shall give notice in the public papers aforesaid, of the time and place by them to be appointed, not less than thirty days from the publication of the first notice, of what time and place the said subscribers shall proceed to organize the said corporation; and shall choose by a majority of votes of their own subscribers, by ballot, to be delivered in person or by proxy duly authorised, one president, twelve managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen; and the said managers so chosen, and their successors, shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state, and of the United States, as shall be necessary for the well ordering of the affairs of the said company; and generally have like powers, authority and privileges, for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to take tolls, as soon as five miles of said road shall be completed, in proportion to the distance, as are given and granted to the president, managers and company of the Bellefonte and Philipsburg turnpike road. And the said Bald Eagle, Nittany and Bellefonte turnpike road, shall commence at the Bald Eagle bridge, in the county of Centre, passing through Fishing creek narrows, and terminating in Bellefonte: *Provided*, That if the said company shall not proceed to carry on the said work, within five years after the passage of this act, and shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then and in either of the said cases, it shall and may be lawful for the legislature of this commonwealth, to resume all and singular the rights, privileges, liberties and franchises, by this act granted to the said company.

President, 12 managers, treasurer, &c. pro tem.

By-laws.

Powers, &c. similar to those of Bellefonte and Philipsburg road company.

Commencement and termination.

Proviso.

Time of commencement and completion.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 139.

AN ACT

Authorising the Governor to incorporate the Bald Eagle and Nittany Valley Turnpike and Rail-Road Company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Smyth, Isaac McKinney, William A. Thomas, Joseph Harris, and Joseph Montgomery, of the county of Centre, or any two of them, be, and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of June next, procure a sufficient number of books, one or more of which shall be opened at some convenient place in the town of Bellefonte; also in the townships of Walker and Howard, in said county, and in each of them to enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Bald Eagle and Nittany Valley turnpike and rail-road company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act authorising the Governor to incorporate the Bald Eagle and Nittany Valley turnpike and rail-road company.' Witness our hands, this day of , in the year of our Lord one thousand eight hundred and thirty ;" and shall thereupon give notice, in one or more newspapers printed in the county of Centre, for one calendar month at least, of the times and places, when and where, the said books shall be kept open, to receive subscriptions for the stock of said company; at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in said books in their own names, or in the name of any other person who shall authorise the same, for any number of shares in the said stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in each juridical day, for the space of ten days, or until there shall have been subscribed the number of eighty shares; and if, at the expiration of ten days, the books aforesaid shall not have the number of shares aforesaid, or any of them therein subscribed, the said commissioners may adjourn from time to time, and transfer the books elsewhere, until the whole number of eighty shares shall be subscribed; of which adjournment and trans-

Commission-
ers to open
books.

Form of sub-
scription.

\$50 per share.

Notice.

Whole No. of
shares 80.

Proviso.

\$1 to be paid
on each share
at time of sub-
scribing.

for the commissioners aforesaid shall give public notice, as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided always*, That every person offering to subscribe in the said books, in his own or any other name, shall previously pay to the attending commissioner the sum of one dollar for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions, and other incidental expenses, and the remainder shall be paid to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

When stock
is taken char-
ter to issue.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when eighty shares, or more, or the said stock shall be subscribed, and one dollar on each share paid, the commissioners, or a majority of them, may certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each; whereupon the Governor shall, by letters patent, under his hand and seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title, of "the president and managers of the Bald Eagle and Nittany Valley turnpike and rail-road company;" and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions of this act; and of suing and being sued, and of doing all and every other matter or thing which a corporation or body politic may lawfully do.

Style.

Privileges
and liabilities

Organization.

President, 3
managers,
treasurer, se-
cretary, &c.

SECT. 3. *And be it further enacted by the authority aforesaid*, That a majority of the before named persons shall, as soon as conveniently may be, after the said letters patent shall be obtained, give at least twenty days notice, in all the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose, by a majority of votes of the said subscribers, by ballot, to be given in person, or by proxy duly authorised, one president and three managers, a treasurer, secretary, and such other officers as shall be deemed necessary, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented; that the president and managers aforesaid shall conduct the business of said company until the third Monday of January then

next, and until like officers shall be chosen; and may make such by-laws, rules, orders, and regulations, as do not contravene the constitution and laws of the United States and of this state, and that may be necessary for the well governing the affairs of the company. By-laws.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the last Monday of December in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days, by the treasurer, in the newspapers before mentioned, and choose, by a majority of votes present, their officers for the ensuing year, mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other times as they may be summoned by the managers in such manner and form as shall be prescribed by the by-laws; at which annual or special meetings they shall have full power and authority to make, alter, or repeal, by a majority of votes, either the whole or any part of the same, in manner aforesaid, and to do and perform any other corporate act; and each person shall be entitled to one vote for each share not exceeding twenty, by him or her held; for every five additional shares, one vote. Annual election.

Special meetings.

Ratio of votes to shares.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said president and managers shall meet, at such times and places as shall be found most convenient for the transacting of their business; and when met, three shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep such minutes of their transactions, fairly entered in a book; and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, as they shall deem necessary to carry on the intended work, and to fix their salaries and wages; to ascertain the times, manner, and proportions in which the said stockholders shall pay the moneys due on their respective shares, to draw orders on the treasurer, and generally to do all such other acts, matters, and things, as by this act and by the by-laws and regulations of the company they are authorised to do: *Provided,* That such drafts or orders be signed by the president, or in his absence, by a majority of the managers present. President and managers.

Detail of duties.

Proviso. Signing of orders.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president and managers first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for every share by him or her subscribed and held, which certificate or evidence of stock shall be transferable at his pleasure, in person, or by attorney duly authorized, in Certificates of stock.

Mode of
transfer.

Assignees
vested with
rights, &c. of
original stock
holders.

Penalty on
delay to pay
instalments.

Company
may forfeit
shares, or
bring suit for
arrearages.

Proviso.
Delinquents
not to vote.

Right to
make road.
Route.

the presence of the president or treasurer, who shall keep a book for that purpose, subject, however, to all payments due or to become due thereon; and the assignee, holding any certificate, having first caused the assignment to be entered in the book of the company, to be kept for the transfer of stock, shall be a member of said corporation; and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estates and emoluments incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscribers would have been.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect or refuse to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of two per centum per month, for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time, as that the accumulated penalty shall become equal to the sum before paid in part, and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the said president and managers may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided,* That no stockholder, whether original subscriber or assignee shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers, to make a turnpike or rail-road, in whole or in part, as to them shall seem most expedient, from a point at or near Shank's bridge, on Bald Eagle creek, to a point on the Bellefonte and Great Island road, between James Hutchinson and the Blackhorse tavern, now occupied by Henry Sowers; or it may be lawful for the said president and managers to make a turnpike, and lay a track of rails on one or both sides of the same, at any time within ten

years after the company obtain their charter: *Provided*,
That no injury shall be done to any individual, without just
and reasonable compensation therefor, in the manner pro-
vided by the ninth section of this act. Proviso.

SECT. 9 *And be it further enacted by the authority aforesaid*,
That the president, managers and company shall have pow-
er and authority, by themselves or their superintendents,
engineers, artists and workmen, to enter upon any lands
in any part or place thereof, which shall appear to them
most convenient and best adapted for the route of said turn-
pike or rail-road; and to cut, break and remove and take
away all trees, rocks, stones, earth, gravel and sand, or
other materials or any obstruction or impediment, whatsoe-
ver, on the said route, and to use all such timber, rocks,
stones, gravel and earth or other materials which may be
found necessary in the prosecution of their works, satisfying
the owner or owners therefor; but if the parties cannot
agree upon the compensation to be made to such owner or
owners, it shall and may be lawful for the parties to ap-
point six suitable and judicious persons, within the proper
county where the land lies; or if they cannot agree on such
persons, then either of the parties may apply to the court
of common pleas of the proper county where the land lies;
and said court shall award a venire, directed to the sheriff,
to summon a jury of disinterested men, in order to ascertain
and report to the said court what damages, if any, have been
sustained by the owner or owners of said ground, by reason
of such turnpike or rail-road passing through his or their
land; which report being confirmed by the court, judgment
shall be entered thereon and execution may issue, in case of
non-payment, for the sum awarded, with costs, to be assessed
by the court; and it shall be the duty of the jury or six ap-
praisers, as the case may be, in valuing any lands, to take
into consideration the advantages derived to the owner or
owners of the premises from the said road passing through
the same: *Provided*, That either party may appeal to the
court, within thirty days after such report may have been
filed in the prothonotary's office of the proper county, in the
same manner as appeals are allowed in other cases. Right to enter upon contiguous lands.

Settlement of damages.

Appointment of viewers.

Their duties specified.

Proviso.
Appeal from decision.

SECT. 10. *And be it further enacted by the authority aforesaid*,
That as soon as the president, managers and company shall
have perfected their turnpike or rail-road they shall give
notice thereof to the governor, who shall thereupon nominate
and appoint three disinterested persons, to view and examine
the same, and to make report to him in writing, whether
the said turnpike or rail-road is executed in a workmanlike
manner, according to the true intent and meaning of this
act; and if at any time their report shall be in the affirma-
tive, then the governor shall, by license, under his hand and
the lesser seal of this commonwealth, authorise the said
Appointment of viewers on completion of work.

License to
take toll.

Rates of toll.

Proviso.

Dividend not
to exceed 15
per cent. per
annum.

Annual state-
ment of ac-
counts to
stockholders.

Increase of
capital stock.

Semi-annual
declaration of
dividends.

Time of com-
mencement
and comple-
tion.

president, managers and company, or such person or persons as they shall from time to time appoint toll collectors or their deputies, to demand and receive for that part of the road which is turnpike, the same tolls that are allowed by law, to be received by the Centre and Kishacoquillis turnpike company; and for that part which may be rail-road, they may demand and receive not exceeding three cents per ton per mile: *Provided*, That if at any time hereafter, the tolls should enable the company, after all repairs and other necessary expenses, to divide more than fifteen per centum per annum, on the capital stock expended, then, and in such case, the tolls shall be so reduced that the dividend shall not exceed the said sum of fifteen per centum per annum.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the president and managers of the said company, shall keep fair and just accounts of all monies received by them from the said commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions; and also, all monies by them expended in the prosecution of the said works; and shall in every year submit such accounts to the stockholders at their annual meeting; and the aggregate amount of such receipts and expenditures shall be ascertained, and if upon such liquidation or when the capital stock shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said turnpike or rail-road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened for that purpose, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to receive and demand the monies for shares so subscribed in like manner, and under like penalties as hereinbefore provided for by the original subscription, or as shall be provided for by their by-laws.

SECT. 12. *And be it further enacted by the authority aforesaid*, That the president, managers and company, shall also keep a just and true account of all the monies received by their several and respective collectors of tolls, and shall make and declare a dividend, of the clear profits and income thereof, among all the stockholders, all contingent costs and charges being first deducted; and shall on the first Monday in January and July every year, publish the half yearly dividends, made of the clear profits, and the time when and where the same will be paid to the stockholders, not exceeding twenty days thereafter, and shall cause the same to be paid accordingly.

SECT. 13. *And be it further enacted by the authority aforesaid*, That if the president, managers and company shall not proceed to carry on the work within three years from the passage of this act, and shall not complete the same within ten years, according to the true intent and meaning of this act,

then and in either case all and singular the rights, liberties, privileges and franchises, hereby granted to said company, shall revert to the commonwealth: *Provided*, That if the said company shall at any time hereafter, misuse or abuse, *Proviso*. any of the chartered privileges hereby granted, the legisla- Right to re-
ture may at any time thereafter, resume all and singular, *peal*. the rights, privileges and franchises, hereby granted to the said company.

SECT. 14. *And be it further enacted by the authority aforesaid*, That the president and managers of said road, shall make or *Dimensions*,
cause the same to be made not less than fifty, nor more than *construction*,
sixty feet in width, including the tracks of rail road; and the *&c of road*.
turnpike part thereof, not less than sixteen feet wide, constructed in the following manner, to wit: All the timber shall be taken out by the roots, and removed from the road, it shall be well and sufficiently ditched, so as to carry off the water, and to keep the road in its foundation firm and dry; it shall be constructed of firm and substantial materials, such as the nature of the ground along which the road may pass, will admit of, so as to secure a solid foundation, a smooth and firm surface, and a well made permanent highway, and so nearly level in its progress, that it shall at no place rise or fall more than will form an angle of five degrees from a horizontal line; the same restriction in the degree of gradation, to be observed in the construction of the rail road, as well as turnpike; and the said president and managers shall erect permanent bridges, with sufficient abutments, over all *Bridges*.
streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair.

SECT. 15. *And be it further enacted by the authority aforesaid*, That no suit or action shall be brought or prosecuted by any person or persons, for any penalty incurred under this act, unless such suit or action shall be commenced within six *Suits for pen-*
months, next after the fact charged is said to have been *nalties to be*
committed; and the defendant or defendants in such suit or *brought with-*
action may plead the general issue, and give this act and the *in six months*.
special matter in evidence, and that the same was done in pursuance and by the authority of this act.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 140.

AN ACT

Relative to the expenditure of the road taxes in Fayette county, and to appeals from assessments in Crawford, Erie, Warren and Venango counties.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the supervisors of the public roads and highways of the respective townships in the county of Fayette, on or before the first day of September in each and every year, to expend, or cause to be worked out in the making and keeping in repair the public roads and highways, in their respective townships, at least two thirds of the road tax assessed.

Duty of supervisors in Fayette county, relative to road tax.

Penalty on neglect.

Proviso. Right of appeal.

Commissioners of certain counties to decide on appeals from assessments of taxes on unseated lands.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all and every supervisor or supervisors of the public roads and highways, who shall refuse or neglect to do and perform his or their duty, as directed by this act, shall be fined in any sum not less than four dollars, nor exceeding fifty dollars, to be recovered in a summary way before any justice of the peace of said county, to be applied towards repairing the public roads and highways within the respective townships where such fines and penalties are incurred: *Provided, however,* That if any supervisor or supervisors shall conceive himself or themselves aggrieved by the judgment of a justice of the peace, he or they may appeal, by petition to the court of quarter sessions, who shall take such order thereon as to them shall appear just and reasonable, and the same shall be conclusive.

SECT. 3 *And be it further enacted by the authority aforesaid,* That if any owner or owners of unseated lands, within the counties of Crawford, Erie, Warren and Venango, shall feel him, her, or themselves aggrieved by the valuation or assessment of taxes, from and after the next triennial assessment and valuation, such owner or owners, his, her, or their attorney or agent, may appeal to the commissioners of said counties, which commissioners shall have power to determine such complaints and appeal, as to the said commissioners shall appear to be right and just, in proportion to the valuation made on seated property, or lands in the respective townships, and the difference of quality or value of the several tracts of unseated land in said counties.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty one.

GEO. WOLF.

No. 141.

AN ACT

To change the name of Samuel Woodcock, of the county of Luzerne, to that of Samuel L. Wood, and to legitimate Samuel Breder, of Northampton county.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Woodcock be, and be hereby is authorised, to change his name from Samuel Woodcock to that of Samuel L. Wood, and he shall henceforth be called and known by the name of Samuel L. Wood; and by the same name shall be able and capable in law to sue and be sued, grant and receive, and do all other legal acts, as effectually to all intents and purposes, as he could have done by his former name, if no change had been made therein.

Samuel L.
Wood.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, Samuel Breder, of the township of Hanover, in the county of Lehigh, son of George Breder, of Hanover township, in the county of Northampton, shall have and enjoy all the rights and privileges of a child born in lawful wedlock; and that he shall be able and capable in law to take, hold, inherit and possess, pass and transmit, all and every estate, real and personal, of whatever kind or nature soever, as fully and effectually, to all intents and purposes, as if he had been born in lawful wedlock: *Provided, however,* That this act shall not operate so as to exempt the estate of the said Samuel Breder from the provisions of an act, entitled "An act relating to collateral inheritances;" but the estate of the said Samuel Breder shall be subject to the same in like manner, as if this act had not passed.

Samuel Bre-
der legitima-
tized.

Proviso.
Collateral in-
heritance law.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 142.

AN ACT

To confer on Sarah Jones, the rights, privileges and benefits of a child born in lawful wedlock.

SECT. 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,

Sarah Jones. That Sarah Jones, of the borough of Lebanon, in the county of Lebanon, the illegitimate daughter of Elizabeth Hubler, late of Tulpehocon township, Berks county, deceased, shall have and enjoy all the rights, privileges, benefits and advantages, of a child born in lawful wedlock, and shall be able and capable in law, to inherit and transmit any estate whatsoever, as fully and completely to all intents and purposes, as if she had been born in lawful wedlock: *Provided*, That nothing in this act contained, shall be construed to interfere with the claim of the commonwealth, under an act, entitled "An act relating to collateral inheritances," passed the seventh of April, one thousand eight hundred and twenty six.

Proviso. Collateral inheritance law.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 143.

AN ACT

Supplementary to an act, entitled "An act authorising the trustees of Nancy Wharton, to sell and convey certain property," passed the thirtieth day of April, eighteen hundred and twenty-seven.

Preamble.

WHEREAS, by two certain deeds of trust and marriage settlement, particularly recited in the act to which this is a supplement, all the estate and property, which was of Nancy Craig, who intermarried with John Wharton, were conveyed to Edward Tilghman, his heirs and assigns, to hold upon the trusts in the deed set forth, and which said trusts, by the death and will of the said Edward Tilghman, have since be-

come vested in Elizabeth Tilghman, and Benjamin Tilghman, his executors: *And whereas*, by sundry other deeds, conveyances and assurances, since executed other estates, real and personal, have become vested in the said Elizabeth Tilghman, and Benjamin Tilghman, their heirs, executors, administrators and assigns, in trust for the like and same uses and purposes, (omitting only the trust until marriage,) as are mentioned and declared. in and by the aforesaid two deeds of trust and marriage settlement, concerning the estate, real and personal, thereby conveyed and assigned: *And whereas*, the real estate now vested in the said trustees, derived as well under the said marriage settlement, as under the deeds, conveyances and assurances to them since had and executed, as aforesaid, is for the most part vacant and unproductive ground, and it is the wish, and for the benefit of all the parties interested therein, that the same be sold or disposed of on ground rent, as hereinafter mentioned, but doubts are entertained whether the same can be effected under the act of assembly aforesaid, or otherwise, without further aid of the legislature; for remedy whereof,

Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for Elizabeth Tilgh-

man, and Benjamin Tilghman, trustees of Nancy Wharton, (late Nancy Craig.) as well under her marriage settlement, as under all other deeds, conveyances and assurances since executed to them, the said trustees as aforesaid, and such persons who shall hereafter become trustees of those estates, at any time or times during the present coverture of the said Nancy, by and with her consent and approbation, notwithstanding her coverture, testified by her, signing and sealing the several conveyances thereof, to grant, bargain and sell, alien, release and confirm, in fee simple, for the greatest and best prices that can or may be reasonably had and obtained therefor, by public or private sales, or upon ground rents, as they may deem proper, any part or parts, or the whole of the trust estate, now vested in the said trustees in manner aforesaid, and to make, execute, acknowledge and deliver, good and sufficient deeds of conveyance for the same, to the purchaser or purchasers thereof, his, her or their heirs and assigns forever: *Provided always*, That the whole proceeds of such sales, and of the ground rents that may be reserved, and afterwards redeemed under this act shall be invested, and the investments held by the said trustees upon the same trusts that they previously held the estates so by them sold: *And provided further*, That such trust estates shall be taken

E. & B. Tilghman, trustees with consent of Nancy Wharton, to sell and convey real estate.

Proviso. Investment of proceeds.

2d proviso. Purchasers, title to be free

said, and without any liability on the part of such purchaser or purchasers, as to the application or mis-application of the purchase money.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—the thirtieth day of March, Anno Domini, one thousand eight hundred and thirty one.

GEO. WOLF.

No. 111.

AN ACT

Relating to certain state roads.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That John Malich and Martin A. Stock, of Northumberland county, and Samuel B. Fisher and Henry Stager, of Schuylkill county, be and they are hereby appointed commissioners, to lay out by courses and distances, a state road, beginning at the borough of Pottsville, in the county of Schuylkill, through Carbondale, thence to Daniel Herb's tavern, thence to Jonathan Reitzel's tavern, and thence to the public road, leading from Sunbury to Harrisburg, at or near Fisher's ferry.

Commissioners appointed to lay out road from Pottsville to Fisher's ferry.

Specifications of duty.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners or a majority of them, after taking an oath or affirmation before a justice of the peace to perform the duties enjoined upon them by this act, with impartiality and fidelity, carefully to view the ground over which the said road may pass, and lay out the same as near to a straight line between the aforesaid points, as the nature of the ground and other important circumstances will permit, and in such manner that the vertical departure from a horizontal line, shall at no point exceed five degrees, unless it be at the crossing of ravines and streams, where by moderate filling and bridges, the declination of the road may be preserved within that limit.

Distances to private property, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners or a majority of them, in choosing the ground to have due regard to the

crossing of water, to the declination and nature of the ground, to the expenses of the townships, to the damages to private property, and to all other circumstances affecting the route, so that by a judicious and skilful combination of them, the route finally adopted may best promote the public good.

SECT. 4. *And be it further enacted by the authority aforesaid,*

That it shall be the duty of the commissioners, plainly and distinctly to mark upon the ground the route agreed upon for the road as aforesaid, in such manner as to enable the super-

To mark route on ground.

visors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorised to employ two chain bearers, one axe man and one staff bearer, at a per diem allowance, not exceeding one dollar.

To employ assistants.

SECT. 5 *And be it further enacted by the authority aforesaid,*

That it shall be the duty of the commissioners to make out a fair and accurate draft of the said location, noting thereon the courses and distances, from point to point, as they occur, the improvements they pass through, and also the crossing of county and township lines, roads or waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of December next, and one copy in the office of the clerk of the court of quarter sessions, of the respective counties aforesaid, on the day aforesaid, or as much sooner as practicable; which shall be a record thereof, and thenceforth the said road shall be to all intents and purposes a public highway; and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts aforesaid.

Drafts of location.

Where deposited.

Road declared a highway.

SECT. 6. *And be it further enacted by the authority aforesaid,*

That the compensation of the commissioners shall be one dollar and fifty cents each, for every day necessarily employed by virtue of this act; and the accounts of the said commissioners, for their own pay and the pay of their hands as aforesaid, shall be adjusted and allowed by the commissioners of Northumberland and Schuylkill counties, and paid by the treasurers thereof, on warrants drawn in the usual way, each county to pay one equal half part of the expenses incurred in laying out the same; the commissioners shall meet at the borough of Pottsville, on the second Monday of May next, or as soon thereafter as possible, and complete the said work as soon as practicable; and if any vacancy or vacancies, shall by the resignation of one or more of the commissioners, or by any other cause, the governor is hereby authorised to fill the vacancy or vacancies by a suitable appointment.

Compensation of commissioners. Accounts how settled.

Time and place of meeting.

Vacancies to be filled by Governor.

SECT. 7. *And be it further enacted by the authority aforesaid,*

That so much of an act passed the nineteenth day of March, one thousand eight hundred and twenty nine, as authorises

Act of 19th
March, 1829,
altered and
amended re-
lative to York
and Cumber-
land road.

the laying out of a state road from the north end of Newbury street, in the borough of York, through Lewisberry, to the west end of the Harrisburg bridge, in Cumberland county, be, and the same is hereby altered and amended, so as to fix the place of beginning for said road at or near the first mile stone from the borough of York, on the York and Conewago canal turnpike road.

Commission-
ers appointed
to lay out a
road in Bea-
ver county.

SECT. 8. *And be it further enacted by the authority aforesaid,* That Andrew Jenkins, Jonathan Beatty, and William Leet, be, and they are hereby appointed commissioners to view and law out a state road, from at or near Hugh Smiley's, in North Sewickley township, Beaver county, passing the house of William Cairns, Esq. to Big Run, in Shenango township, in said county.

Commission-
ers oaths, &c.

Route.

Vacation of
old road.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of said commissioners, or a majority of them, after taking an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act with impartiality and fidelity, carefully to view the ground over which said road shall pass, and lay out the same on or near the old county road leading from Pittsburg to Newcastle, as far as the nature of the ground will permit, upon an inclination not exceeding six degrees, having due regard to the damages to private property; and that the said commissioners shall have power to vacate the old county road, so far as it shall be supplied by the new one.

To proceed to
act before 1st
August.

Drafts of loca-
tion.

Road a high-
way.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the said commissioners, or a majority of them, shall proceed to perform the duties enjoined upon them by this act, on or before the first day of August next; and they shall make out a fair and accurate draft of the location of said road, one copy of which shall be deposited in the office of the Secretary of the Commonwealth, and one copy in the office of the clerk of quarter sessions of said county, as soon as practicable, which shall be a record thereof; and from thenceforth the road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as other roads are opened and repaired, which are laid out in said county.

Employment
of assistants.

Settlement of
accounts.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the said commissioners are hereby authorised to employ a surveyor, two chain bearers, and one axe man, to assist them in laying out said road; and the compensation of the commissioners and surveyor shall be one dollar and fifty cents each, for every day necessarily employed by virtue of this act; and the chain bearers and axe men, shall receive a per diem allowance not exceeding seventy-five cents; and the accounts of the said commissioners, for their own pay and the pay of their hands as aforesaid, shall be adjusted

and allowed by the commissioners of said county, and paid by the treasurer thereof, on warrants drawn in the usual manner.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the fourth section of an act, entitled "An act authorising certain commissioners to view and lay out certain state roads," passed the sixteenth day of April, eighteen hundred and thirty, be, and the same is hereby repealed, so far as respects the road from Middleburg, to a place at or near Hartleton, in Union county. Part of act of 16th April, 1830, repealed, relative to Union county road.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the state road, laid out in pursuance of an act approved February twenty-third, eighteen hundred and twenty-seven, entitled "An act to authorise the laying out of a state road from Kutztown, in Berks county, to Mauch Chunk, in Northampton county," and vacated February nineteenth, eighteen hundred and twenty eight, be, and the same is hereby reinstated, as far as the same runs through the county of Lehigh. Relative to road from Kutztown to Mauch Chunk.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 145.

AN ACT

Authorising the Governor to incorporate the Lizard creek, Lehigh and Loyalhanna bridge companies, and for other purposes.

SECT. 1: *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jacob Dinkey, John D. Bowman, John Horr, Jacob Andrews, George Kelchner and Thomas Craig, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: they shall and may on or before the first day of June next, procure at least three books, and enter therein as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, managers and company, for erecting a bridge over the river Lehigh, above Lizard creek, the sum of Commissioners appointed to open books for Lizard creek bridge. Form of subscription.

\$25 per share. twenty-five dollars for every share of stock in said company, set oppopite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers, in pursuance of an act authorising the governor to incorporate the Lizard creek, Lehigh and Loyalhanna bridge companies, and for other purposes. Witness our hands the day of one thousand eight hundred and ;” and shall thereupon give notice in at least one newspaper, printed in said county, and in such other newspapers as they may deem proper, for one calendar month, at least, when and where the said books shall be opened to receive sub-scriptions for the stock of the said company; at which respective times and places some one of the said commissioners shall attend and permit all persons of lawful age to subscribe in said books, until the number of two hundred and fifty shares shall be subscribed, after which the books shall be closed : *Provided*, That every person offering to subscribe in the said books, in his own name or in the name of any other person, shall previously pay to the attending commissioner or commissioners, five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

Notice.

Whole No.

250 shares.

Proviso.

\$5 to be paid
on each share
at time of
subscribing.

When 10 per-
sons take 100
shares Govr.
nor to issue
letters patent.

Style.

Privileges
and liabilities.

SECT. 2. *And be it further enacted by the authority aforesaid,*

That when ten or more persons shall have subscribed one hundred or more shares in the said books, and paid five dollars on each and every share, the said commissioners respectively may, and when the whole number of shares shall be subscribed, shall certify under their hands and seals, the names of the subscribers, and the number of shares by them subscribed to the governor; and thereupon it shall be lawful for the governor, by letters patent, under his hand and the seal of the state, to erect and create the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of “the president, managers and company, for erecting a bridge over the Lehigh river, at the most convenient place above the mouth of Lizard creek;” and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and

their successors and assigns, in fee simple, or for any less estate, real and personal, as shall be necessary and convenient to them; in the prosecution of their works; and the same to sell and dispose of at their pleasure; and of suing and being sued; and of doing all and every other thing which a corporation or body politic may lawfully do: *Provided*, That if the company hereby incorporated, shall presume to usurp the power of issuing any note or notes, in the nature of bank notes, or transact any business in the nature or manner of banking, then or in either case, the privileges hereby granted, shall revert to this commonwealth: *And provided also*, That if the said company shall not commence building the said bridge within three years after the passing of this act, and complete the same within three years thereafter, then the privileges hereby granted shall revert to this commonwealth.

Proviso.

To have no banking privileges.

2d proviso.

Bridge to be commenced in 3 and finished in 6 years.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the six persons first named in the letters patent, as soon as conveniently may be, after sealing the same, shall give notice in at least two newspapers, printed in said county, and such other newspapers as they may deem proper, of a time and place by them to be appointed, not less than thirty days from the time of issuing the first notice; at which time and place, the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy, duly authorised, one president, six managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen; and may make such by-laws, rules, orders and regulations, not inconsistent with the laws and constitution of this state or of the United States, as shall be necessary for the well ordering of the affairs of the corporation, and generally to have all the powers, authorities and privileges necessary for commencing, carrying on and completing, maintaining and keeping in repair the said bridge; and shall receive like toll, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, which are given and granted or imposed upon the president, managers and company, incorporated to erect a bridge over the river Lehigh, at the Water Gap, in the counties of Northampton and Lehigh, passed the twelfth day of March, one thousand eight hundred and twenty-six.

Organization of company.

Officers.

General powers similar to those of Lehigh Water Gap company

SECT. 4. *And be it further enacted by the authority aforesaid*, That Henry and Jordan, Joseph Kerr, Jacob D. Stroud, Stogdell Stokes and William D. Walton, of the county of Northampton, in this commonwealth, be and hereby are authorised to build a bridge, for public use, over McMichael's creek, near the public road of Joseph Kerr, in Stroud town-

Certain persons authorised to build a bridge over McMichael's creek.

Proviso.
Not to injure
navigation.

ship: *Provided*, That said bridge shall be so built as not to injure or obstruct the navigation of said creek.

Commission-
ers to open
books for the
Loyalhanna
bridge com-
pany.

SECT. 5. *And be it further enacted by the authority aforesaid*, That James Moorhead, Ephraim A. Robertson and Benjamin Hill, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of June next, procure a book or books, which shall be opened in the town of New Alexandria, Westmoreland county, and therein enter as follows: "We, whose names are hereunto subscribed, promise to pay the president and managers of the Loyalhanna bridge company, the sum of twenty-five dollars for every share of stock set opposite our respective names, in such manner and proportions and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of Pennsylvania, entitled 'An act authorising the Governor to incorporate the Lizard creek, Lehigh and Loyalhanna bridge company, and for other purposes.' Witness our hands this day of _____ in the year of our Lord one thousand

Form.

\$25 per share.

Notice.

eight hundred and thirty-one;" and shall thereupon give notice in such newspaper of the county aforesaid as they may deem proper, for three weeks at least, of the times when and places where the said books shall be kept open to receive subscriptions for the stock of said company; at which respective times and places one or more of the commissioners shall attend, and permit persons of lawful age who shall offer to subscribe in the said book or books, in their own name or in the name of any other person who shall authorise the same, for any number of shares in the said stock; and the said books be kept open respectively, for the purpose aforesaid, until a sufficient number of shares of stock is subscribed for the erection of said bridge; the said commissioners may adjourn from time to time and transfer the book or books elsewhere, for the purpose aforesaid; and when there shall be forty shares subscribed and five dollars for each share paid unto said commissioners at the time of subscribing, the said commissioners shall certify the same to the Governor of this commonwealth, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each; whereupon, the Governor shall, by letters patent under his hand and the seal of the commonwealth, create and erect the subscribers of the shares aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of the Loyalhanna bridge company; and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, for erecting a bridge across the Loyalhanna creek, at the town of New Alexandria, in the county aforesaid, at or near where the northern turnpike road crosses said creek; and

When 40
shares are
subscribed
and \$5 paid
on each Go-
vernor to
grant charter.

Style.

shall be capable of taking and holding their capital stock, Privileges, and the increase and profits thereof; and of enlarging the immunities, same from time to time, by new subscriptions, in such manner and form as they shall think proper, to fulfil the intentions of this act; and of purchasing, taking, and holding, to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, and estate, real or personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do: *Provided, however,* That if the said company erect the said bridge where the turnpike road comes to said creek, the said company shall first procure of the turnpike company, the right of passage for said bridge. *Provide. Relative to location where turnpike crosses.*

SECT. 6. *And be it further enacted by the authority aforesaid,* That when the bridge aforesaid is completed, and ready for travellers, &c. to pass over the same, the managers aforesaid shall apply to the judges of the court of quarter sessions of the peace, in and for the county of Westmoreland, who are hereby authorised to affix a bill of tolls, reasonable and equitable; which said rates of toll shall be paid by all persons passing over the said bridge, in any way or manner, subject to the by-laws of said company; which said laws shall in no wise interfere with the spirit and meaning of the constitution of this commonwealth, or the laws thereof: Further, after letters of incorporation are obtained by virtue of this act, the commissioners shall call together, by at least ten days notice, the stockholders of said company, and elect three persons as managers of said company, one of whom shall be chosen by the board thus elected as president, and one as treasurer of said company: Further, after the first election, said company shall elect on the first Monday in November, in each and every year thereafter. *Court of quarter sessions of Westmoreland to fix tolls. Election of managers. President and treasurer. Annual election.*

SECT. 7. *And be it further enacted by the authority aforesaid,* That the time allowed for the commencement and completion of the bridge over the river Lehigh, at Kuntz's ford, in the counties of Northampton and Lehigh, be, and the same is hereby extended for a further period of three years. *Time extended 3 years for the Lehigh bridge at Kuntz's ford.*

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 146.

AN ACT

To incorporate the town of Minersville, in the county of Schuylkill, into a borough.

Borough
boundaries.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the town of Minersville, in the county of Schuylkill, shall be and the same is hereby erected into a borough, to be called the borough of Minersville, which is comprised within the following boundaries, to wit: beginning at a spruce tree on the corner of land belonging to Bennett and Walton, adjoining lands of Wetherill, and others; from thence south sixty degrees, west one hundred and thirty one perches, to a white oak stump; thence north thirty degrees, west sixty-three perches; thence north fifty-one degrees, west one hundred and twenty-seven perches; thence north sixty-six degrees, east one hundred and twenty-eight perches; thence north sixty degrees, east to a point in the division line, between lands belonging respectively to Bennett and Walton, and to John White; and thence by the said line, to the place of beginning.

Annual elec-
tion for offi-
cers.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, for all persons entitled to vote for members of the legislature, who have resided in the said borough six months previously to such election, to meet at the house of David Buckwalter, in said borough, or at such other house as the town council may hereafter direct, on the first Monday of May next, and on the Friday preceding the third Saturday of March, in each year, and then and there elect, by ballot, between the hours of one and six o'clock, of the same day, one respectable citizen residing therein, who shall be styled the burgess of said borough, and seven citizens residing therein who shall be a town council; but previously to such election, the inhabitants present shall elect two respectable citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted according to the general election law of this commonwealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties for mal practices, as by the said law is imposed; and the said judges, inspector and clerks, before they enter upon the duties of their offices, shall each take an oath or affirmation, before any justice of the peace of said county; but if no justice of the peace be present at the election, one of the judges, after first having the oath or affirmation required as aforesaid,

Burgess and
council.

Manner of
conducting
election.

administered to him by one of the other judges, shall administer the oaths or affirmations to the other judge, and to the inspectors and clerks, to perform the same with fidelity; and after the said election shall be closed, shall declare the person having the greatest number of votes to be duly elected; and in case any two or more candidates shall have an equal number of votes, the preference shall be determined by lot, to be drawn by the inspector, in the presence of the judges; whereupon duplicate returns thereof shall be signed by the said judges, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation; and in case of death, resignation or removal, refusal to accept, or neglect or refusal to act after acceptance of any of the said officers, the burgess, or in case of his death, absence or inability to act, or when he neglects or refuses to act, the first named of the town council shall issue his precept, directed to the high constable, or when there is no high constable, or when he refuses or neglects to act, then any of the members of the town council, shall advertise and hold an election in the manner aforesaid, to supply such vacancy, giving at least ten days notice thereof by advertisements, set up at four of the most public places in the said borough. Vacancies.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in May next, the burgess and town council, duly elected as aforesaid, and their successors, shall be one body politic and corporate in law, by the name and style of the burgess and council of the borough of Minersville, and shall have perpetual succession; and the said burgess and council aforesaid, and their successors shall be capable in law, to receive, hold and possess, goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple, or otherwise, not exceeding the yearly value of five thousand dollars; and also to give, grant, sell, let and assign, the same lands, tenements, hereditaments, rents; and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of law in this commonwealth, in all manner of actions whatsoever; and to have and to use one common seal, and the same from time to time, at their will, to change and alter. Incorporation. General powers.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person or inhabitant of the said borough, duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing shall forfeit and pay a fine of twenty dollars; and if any other person, duly qualified as aforesaid, shall be duly elected or appointed to any other office in said borough, and having no Penalty on refusal to accept office.

Proviso.
Term of ser-
vice.

Appeal.

Oaths of
office.

Duties, pow-
ers, &c. of
council.

Proviso.
Of the by-
laws.
2d proviso.
Limit to rate
of tax.

tice of his election or appointment, shall refuse to undertake and execute the duties of that office. every person so refusing shall forfeit and pay a fine of ten dollars, which fines, forfeitures, and all others in pursuance of this act or of the by-laws of the said council, shall be recoverable before any justice of the peace of said county, for the use of said corporation: *Provided*, That no person shall be compelled to serve more than one year, in any term of four years; and that if any person or persons shall conceive himself or themselves aggrieved by the judgment of any justice of the peace by virtue of this act, he or they may appeal to the next county court of common pleas of said county, upon giving security, according to law, to prosecute his or their appeal with effect, who shall, on the petition of the party, take such order therein as to them shall appear just and reasonable; and the same shall be conclusive to all parties.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the burgess shall take and subscribe an oath or affirmation, before one of the associate judges or a justice of the peace, for the county of Schuylkill, to support the constitution of the United States, and of this state, and an oath or affirmation well and truly to execute the office of burgess, of the borough of Minersville, and when so qualified he shall administer an oath or affirmation to the council, high constable and town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices; the certificates of which oaths and affirmations shall be filed among the records of the said corporation.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the town council may meet by their own authority, as often as occasion may require, or upon the summons of the burgess; they shall have power to enact by laws, and to make such rules, regulations and ordinances, as shall be determined on by a majority of the whole council, necessary to promote the peace, good order and general welfare of the inhabitants of the said borough; and for the purpose of improving and keeping in order, the streets, lanes, alleys, public squares and common ground, belonging to said town within the said borough, for removing nuisances and obstructions therefrom, and the same to annul, alter or make anew as the occasion may require; and also to assess, levy and collect a tax for said purposes; and also annually to appoint a high constable, town clerk, treasurer, and such other officers as may be deemed necessary, with all other powers required for the well ordering and better government of the said borough: *Provided*, That the said ordinances, rules, and regulations, shall not be repugnant to the constitution or laws of the United States, or of this commonwealth: *And provided also*, That no tax shall be laid by them in any one year, to exceed one cent in the dollar, on the valuation of

taxable property, taken from the last assessment, unless some object of general utility shall be thought necessary, in which case a majority of the electors of said borough, by writing, under their hands, shall approve and certify the same to the town council, who shall proceed to assess the same accordingly; and all taxes which may be assessed or laid, in the said borough, shall, as nearly as the same is practicable, be assessed and collected conformably to the laws for raising county rates and levies.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act, or of the acts of the corporation; and his attestation, with the seal of the corporation, shall be good evidence of the thing or act so certified. Of the town clerk.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the treasurer shall give security for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successors, of all moneys, books, and accounts, appertaining thereto, upon demand being made by the burgess for that purpose. Security of treasurer.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the street commissioners, treasurer, constable, and clerk of the market, as well as all other officers who may be appointed by the corporation or council, shall render their accounts to the council once in every year, for settlement; and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and of the expenditures. Annual settlement of accounts.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable to give notice of the election, by setting up advertisements in four public places in the said borough, ten days previously thereto; and shall attend and see that the same is opened at the time and in the manner directed by this act. Notice of election.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the burgess, president of the council, and treasurer, or any two of them, shall constitute a court of appeal; and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which, and of the amount of his or her tax, and the place where the appeal will be held, the collector shall notify each taxable, by a written notice in the usual manner, at least ten days before the day of appeal; and where the said tax shall have been collected. Court of appeal.

properly adjusted, it shall be the duty of the burgess, or in case of his absence or inability to act, of the treasurer, and he is hereby authorised to issue his precept, directed to the collector, commanding him to collect all taxes so assessed, and vesting him with like powers and authorities given to the collectors of county rates and levies, by the laws of this commonwealth; and the amount so collected shall be paid into the treasury, for the use of the corporation.

Provision for
absence of
burgess.

SECT. 12. *And be it further enacted by the authority aforesaid,* That in the absence from the borough, or inability of the burgess, it shall be the duty of the first named of the town council, who may be present, to perform the duties which are enjoined on the burgess by this act, or which may be enjoined by the by-laws which may be passed in pursuance of the same.

In council
4 a quorum.

SECT. 13. *And be it further enacted by the authority aforesaid,* That in any meeting of the burgess and town council, it shall require at least four to form a quorum to transact business.

Notice of first
election.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the constable of Norwegian township, shall publish the first election for borough officers, on the first Monday in May next, after the passing of this act, at the place appointed by law for holding the elections for said borough; and he is hereby directed to give five days notice, by advertisements, as before directed, in other cases of election, of the time and place of holding the same.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.



No. 147.

AN ACT

To incorporate a company to make a turnpike road, from Williamsport, in Lycoming county, by Spalding's, Troy and South creek, to the New York state line.

Commission-
ers to open
books.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Daniel Grafius, William Brindle, John Reed, of Lycoming county, Eli M^cNitt, of Tioga county, Ezra Long,

Howard Spalding, Isaac N. Pomroy, of Bradford county, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they or one of them shall on or before the first day of July next, procure a book or books, and enter as follows:

"We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Williamsport and South creek turnpike road company, the sum of fifty dollars for every share of stock in said company, set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to incorporate a company to make a turnpike road, from Williamsport, in Lycoming county, by Spalding's, Troy and South creek, to the New York state line." Witness our hands, the day of in the year of our Lord, one thousand eight hundred and ;" and thereupon, shall give notice in two or more of the public papers, printed nearest the route of the said road, for twenty days at least, of the times and places, when and where the said book or books, shall be opened to receive subscriptions for the stock of said company; at which times and places, one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said book or books, in their own names, or in the name or names of any other persons, who shall duly authorise the same, for any number of shares of said stock; and the said book or books shall be kept open, respectively, for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until the said book or books shall have twelve hundred shares therein subscribed; and if, at the expiration of the said six days, the book or books aforesaid, shall not have the said number of twelve hundred shares therein subscribed, the commissioners may adjourn from time to time, and transfer the said book or books from place to place, until the whole number of shares shall be subscribed; of which adjournment and transfers, the commissioners aforesaid, shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to twelve hundred, the same shall be closed:

Provided always, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen, as hereinafter mentioned.

Form of subscription,
\$50 per share.

Notice of opening books.

Whole No. of shares 1300.

Proviso.
\$1 to be paid on each share at time of subscribing.

SECT. 2. *And be it further enacted by the authority aforesaid,*
 When 300 shares are taken by 20 persons Governor may incorporate. That when twenty persons or more, shall have subscribed three hundred shares of the said stock, and paid one dollar on each and every share, the said commissioners may or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hand and seal, the names of the subscribers, and the number of shares subscribed by each to the Governor of this commonwealth; whereupon it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the "president and managers of the Williamsport and South creek turnpike road company;" and by the said name the said subscribers shall have perpetual succession; and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same, from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Style. Privileges and liabilities

SECT. 3. *And be it further enacted by the authority aforesaid,*
 First election. That the commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice, in two of the public papers, printed nearest the route of the said road, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice; at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy duly authorised, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and until such other officers be chosen; and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States, and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided always,* That no person shall have more than ten votes at any election, or in

President, 6 managers, treasurer, &c. pro tem.

By-laws.

Proviso. One vote each share up to 10

determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under that number.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be lawful to and for the said president and managers, their superintendents, surveyors, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and examine the ground most proper for the purpose as well as the materials in the vicinity that may be necessary in making and constructing the said turnpike road; and to survey, lay down, ascertain, mark and fix such route or track for the said road, as in the best of their skill and judgment will combine shortness of distance. with the most practicable ground, from Williamsport, in Lycoming county, by Spalding's, Troy and South creek, to the New York state line; and generally they shall have like powers, authorities and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like toll and profits in proportion to the distance, as are given and granted to the president, managers and company of the Coshecton and Great Bend turnpike road, Great Bend passed the twenty-ninth day of March, one thousand eight hundred and four.

Right to enter enclosures, &c.
Route.
Similar powers and restrictions to those of Coshecton and Great Bend company.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president and managers of the said road, shall make or cause the same to be made not less than forty, nor more than fifty feet in width, and at least eighteen feet thereof shall be made an artificial road, in the following manner, to wit: all the timber shall be taken out by the roots, and removed from the road, which shall be well and sufficiently ditched, so as to carry off the water, and to keep the road in its foundation firm and dry; it shall be constructed of firm and substantial materials, composed of wood, gravel, stone, slate, sand or other hard substance, such as the nature of the ground along which the road may pass will admit of, so as to secure a solid foundation, a smooth and firm surface, and a well made permanent highway, and so nearly level in its progress, that it shall in no place rise or fall more than will form an angle of five degrees, with a horizontal line; and the said president and managers shall erect bridges, with sufficient abutments and piers, over all the streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair.

Dimensions, construction, &c. of road.
Bridges.

SECT. 6. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within three years after passing this act, or shall

3 years to commence and 10 to complete.

not within ten years thereafter complete the same, according to the true intent and meaning of this act, then or in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted shall revert to the commonwealth.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 148.

AN ACT

To establish a Bank at Northumberland, in Northumberland county, and to revive the act incorporating a bank at Lebanon, in Lebanon county.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the*

Commissioners named to establish bank of Northumberland under acts of 1814 & 1824.

same, That John Cowden, Joseph Wallis, William Nice, Robert H. Hammond, John Porter, John Frick, Joseph R. Priestly, William M'Carty, Lewis Dewart, and James Hepburn, of Northumberland county; William Hays, Abbot Green, William Kessler, and Henry Yearick, of Union county; John M'Reynolds, William Colt, and Peter Baldy, of Columbia county, and Daniel Graffius and Andrew D. Hepburn, of Lycoming county, be, and they are hereby appointed commissioners to carry into effect, from and after the first day of May, one thousand eight hundred and thirty-one, the establishment of a bank in the county of Northumberland, to be located in the borough of Northumberland, and to be known by the name of the Bank of Northumberland, agreeably to an act passed the twenty-first of March, one thousand eight hundred and fourteen, entitled "An act regulating banks," and an act passed twenty-fifth of March, eighteen hundred and twenty-four, entitled "An act to re-charter certain banks;" with all and singular the rights and privileges, and subject to all the like regulations, restrictions, penalties, and taxes, imposed upon the said banks by the acts referred to this bank, with a capital stock not exceeding two hundred thousand dollars, to be divided into shares of fifty dollars each, and to be managed and directed by thirteen directors.

Capital \$200,000, shares \$50.
13 directors.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it may be lawful for the stockholders to meet at any time previous to the third Monday in November, one thousand eight hundred and thirty-two, and choose, by ballot, thirteen directors, to serve to that time, or until others are elected, notice of the election having been given by the commissioners at least ten days previous thereto, in one or more newspapers published in the counties of Northumberland, Union, Columbia and Lycoming; and that this charter shall continue in full force and effect, until the first day of November, one thousand eight hundred and forty-one, and no longer.

First election
for directors.

Duration of
charter.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the eleventh, twelfth, and thirteenth sections of the act entitled, "An act to re-charter certain banks," passed the twenty-first of March, one thousand eight hundred and twenty-four, and also the fifth section of the act, entitled "An act to establish a bank in the county of Lebanon, and for other purposes," be, and they are hereby extended to the bank chartered by this act; subject, nevertheless, to the like provisions and restrictions, and also, to all requisitions as to bonus or premium to be paid to the commonwealth, as a consideration for the privileges herein granted, as now by law is, or as the legislature may at any time hereafter demand; and to such other restrictions and regulations, as the legislature may at any time enact, for regulating the banking institutions of this commonwealth.

Certain sec-
tions of other
acts extended
to this bank.

Restrictions.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the whole stock subscribed or owned by stockholders of said bank, shall be held in law and equity, for the payment and liquidation of the debts of said bank.

Whole stock
to be liable
for debts.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the act entitled, "An act to establish a bank in the county of Lebanon, and for other purposes," passed the eleventh day of April, A. D. one thousand eight hundred and twenty-seven, except so much of the first section as regards the appointment of commissioners, and the time allowed to carry into effect the establishment of said bank; and also, so much of the second section as fixes the time at which the stockholders shall meet to choose directors, be revived, and continued in force until the first day of November, one thousand eight hundred and forty-one, and no longer: *And it is hereby provided,* That John Harrison, Jacob B. Weidman, Peter Shulze, Michael Selzer, Thomas B. Coleman, Peter Horst, John W. Gloninger, Abraham Rex, John Ley, John Shertzer Jr. Thomas Harper, George W. Kline, Henry Bawer, Christian Snavelly, and Adam Kettering, be, and they are hereby appointed commissioners to carry into effect, from and after the first day of May, one thousand eight hundred and thirty-one, the establishment of the said

Act for es-
tablishing Le-
banon bank
revived.

Term of
charter.

Commission-
ers appointed
to carry act
into effect.

Election of
directors.

bank: *And provided further*, That it may be lawful for the stockholders to meet at any time previous to the third Monday in November, one thousand eight hundred and thirty-one, and choose, by ballot, thirteen directors, to serve till that time, or until others are elected, notice of the election being given agreeably to the provisions of said act.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 149.

AN ACT

For laying out certain state roads in Schuylkill, Northampton, Butler, Luzerne, Lycoming, Chester and Berks counties, and for other purposes.

Commission-
ers named to
lay out road
from Tama-
qua to Ber-
wick turnpike

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That George Baum, of Schuylkill county, Jedidiah Irish, of Northampton county, and Albert G. Broadhead, of Luzerne county, be and they are hereby appointed commissioners, to view and lay out, by courses and distances, a state road, to commence at the intersection of Centre street, with the state road, at the town of Tamaqua, in the county of Schuylkill, thence along said street, through the Panther mountain gap, and Lintner's gap of the Broad mountain, and thence over the Spring mountain, to intersect the Berwick turnpike, at the south side of Buck mountain, or at Black creek, in Luzerne county, having due respect to private property; and that the said commissioners have power to vacate any old road, so far as it is supplied by the new.

To vacate old
road.

From the
Welsh moun-
tain to Read-
ing.

SECT. 2. *And be it further enacted by the authority aforesaid*, That Jacob Mast, and William Clymer, of the county of Berks, and Malachi Happerset, of the county of Chester, be and they are hereby appointed commissioners, to view, lay out and mark a state road, beginning on the Welsh mountain, in Chester county, where the Waynesburg and Downingtown roads intersect; from thence by Morgantown, and the

new bridge, across the river Schuylkill, to the borough of Reading, in Berks county, having respect to the best ground for a road, and the shortest distance, in such manner as to do the least injury to private property.

SECT. 3. *And be it further enacted by the authority aforesaid,* That Lazarus Denison, Ziba Hoyt, of Luzerne county, and David H. Goodwin, of Lycoming county, are hereby appointed commissioners, to lay out, by courses and distances, a state road, beginning at "some point on the public road, near Harvey's Lake, in Luzerne county, thence by such route as may be deemed most beneficial, northwestwardly, till it intersects the Berwick turnpike, in Lycoming county, in a direction towards the borough of Towanda," having respect to the best ground for a road, and the shortest distance, in such manner as to do the least injury to private property.

From Harvey's lake to Berwick turnpike.

SECT. 4. *And be it further enacted by the authority aforesaid,* That Barnet Gilleland, John McQuieston, of Middlesex township, and John Dodds, be and they are hereby appointed commissioners, to review that part of the state road, leading from the borough of Butler to Franklin; which lies between the said borough of Butler and Stony run, with power to alter the location of the same wherever it may be necessary, and vacate such part or parts, between the said points of the said road, as they shall alter or supply by a new location; and the inclination of the said re-location, shall not exceed an angle of five degrees, with the plane of the horizon,

To review road from Butler to Stony run.

SECT. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, respectively, or a majority of them, after taking an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity, to carefully view the ground over which the said road by them laid out shall pass, and to lay out the same as near to a straight line, between the aforesaid points, as the nature of the ground and other important circumstances will permit, and so that the vertical departure from a horizontal line, shall at no point exceed five degrees, except only at crossing ravines and streams, where by moderate filling or bridging the declination of the said roads, may be preserved within that limit.

Oaths, duties, &c. of commissioners.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, or a majority of them in choosing ground, to have due regard to the crossing of waters, to the declination and nature of the ground, to the expense upon the townships, to damage to private property, and to all other circumstances affecting the route, so that by a judicious and skilful combination of them, the route finally adopted, may best promote the public good.

To regard crossing waters, damages, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, plainly and

To mark
route on
ground, and
employ as-
sistants.

distinctly to mark upon the ground, the route agreed upon for the road as aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners respectively are hereby authorised to employ two chain bearers, and one axe man, at a per diem allowance not exceeding one dollar.

Drafts of lo-
cation.

SECT. 8. *And be it further enacted by the authority aforesaid.* That it shall be the duty of the commissioners, to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances from point to point, as they occur, the improvements passed through, and also the crossing of county and township lines, roads or waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of September next, and one copy in the office of the clerk of the court of quarter sessions, of the respective counties aforesaid, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the road shall be to all intents and purposes a public highway. and shall be opened and repaired in all respects, as roads are opened and repaired, which are laid out by order of the courts aforesaid.

Places and
time of de-
posit.

Compensa-
tion of com-
missioners
and surveyor.
Accounts
how settled.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the compensation of the commissioners and surveyor, shall be two dollars each, for every day necessarily employed by virtue of this act; and the accounts of the said commissioners, for their own pay and the pay of their hands, as aforesaid, shall be adjusted and allowed by the commissioners of the respective counties, through which the said roads passes, and paid by the treasurers thereof, on warrants drawn in the usual way, and in proportion to the length of the road in such county respectively; the commissioners shall meet on the second Monday of May next, or as soon thereafter as possible, and complete the said work as soon as practicable, and if a vacancy or vacancies shall happen, by the resignation of the commissioners or by any other cause, the Governor is hereby authorised, to fill the vacancy or vacancies by a suitable appointment.

Time of meet-
ing.

Vacancies
how supplied.

Proceedings
under act of
19th March,
1829, annull-
ed as far as
regards
Mauch Chunk
township.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the fourth section of the act, of the nineteenth of March, one thousand eight hundred and twenty-nine, entitled "An act authorising the laying out of certain state roads, in Greene, York, Cumberland and Schuylkill counties," be and the same is hereby repealed, and all views, reports and other proceedings, had under or by virtue of the said fourth section, are hereby declared null and void, so far as the same relates to the location of the road, thereby authorised to be laid out, within the township of Mauch Chunk, in Northampton county: *Provided,* That nothing herein contained, shall

Proviso.

deprive or prevent the said commissioners, and other persons employed by them in viewing and laying out the state road, therein authorised to be laid out, from receiving the compensation allowed them by the said act. Compensation of persons employed.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the tenth section of the act, of the nineteenth day of March, eighteen hundred and twenty-nine, entitled "An act authorising the laying out of certain state roads, in Greene, York, Cumberland and Schuylkill counties," which requires the commissioners therein named, to take from each and every person or persons owning land along the roads, by them to be laid out, acquittances or releases from any claim of damages, upon the condition that such road shall pass through the lands of such person or persons, and to file the same in the commissioners' office of the proper county, so far as the same relates to Schuylkill county, be and the same is hereby repealed. So much of 10th section of same act as relates to Schuylkill co. repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 150.

AN ACT

To incorporate the Taylorsville Delaware Bridge Company.

WHEREAS, The legislature of the state of New Jersey, by an act passed the fourteenth day of February, A. D. one thousand eight hundred and thirty-one, entitled "An act to incorporate the Taylorsville Delaware bridge company," have appointed and authorised three commissioners therein named, who, with commissioners to be appointed by the commonwealth of Pennsylvania, shall be authorised to receive subscriptions to the capital stock of said company, at such times and places, in such manner, and for such purposes, as are set forth in the said act: *And whereas,* The said act provides for the incorporating of the persons holding shares into a company, with certain powers, privileges, and franchises, in the said act particularly set forth, to which act the concurrence of the legislature of the commonwealth of Pennsylvania is requested, in order that the same may be carried into effect; Therefore, Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Enos Morris, Aaron Feaster, and Mahlon K. Taylor, all of the county of Bucks, and commonwealth of Pennsylvania, be, and they are hereby appointed commissioners, together with the commissioners appointed by the legislature of the state of New Jersey, as aforesaid, to receive subscriptions to the said capital stock; and that all the power and authority, given by the above recited act of the legislature of the state of New Jersey, to the commissioners therein named, be, and the same are hereby given to the commissioners appointed by this act.

Commissioners appointed in conjunction with those of New Jersey to receive subscriptions.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all and singular the power and authority, privileges, franchises, and emoluments, given by the said recited act of the legislature of New Jersey, to the justices of the supreme court of said state, and the company to be incorporated by virtue of the said act respectively, be, and the same are hereby given in like manner to the court of common pleas of the county of Bucks, and the said subscribers, and the company to be incorporated by virtue of this act; and that the assent of this commonwealth be, and the same is hereby given, to the said recited act of the legislature of the state of New Jersey, and the same is hereby adopted, ratified, and confirmed by this commonwealth, as fully and amply as if the same had been re-enacted at large, section by section; and the provisions thereof shall be in full force and effect within this commonwealth, and the same shall be annexed to, and printed with the laws of this state.

Same powers as given in New Jersey act, to justices of supreme court given to Bucks county common pleas.

Act of New Jersey ratified.

STATE OF NEW JERSEY.

AN ACT to incorporate the Taylorsville Delaware Bridge Company.

Preamble to New Jersey law.

WHEREAS, it is represented to the legislature, by the petition of a number of the inhabitants of the county of Hunterdon, that the erection of a bridge over the Delaware river, at the eight mile, or Taylor's ferry, formerly M^cKonkey's, would be a great convenience and accommodation to the public: Therefore,

Capital stock \$20,000. Shares \$50 each.

SECT. I. *Be it enacted by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the capital stock of the Taylorsville Delaware bridge company, shall amount to twenty thousand dollars, and that the same shall be divided into shares of fifty dollars each; and the subscribers to the said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods, and in such proportions, as the directors of the said company may determine.

II. *And be it enacted*, That Daniel Cooke, Esq. James B. Green, and Joseph Titus, of New Jersey, be, and they are hereby appointed commissioners on the part of this state, who with commissioners to be appointed by the commonwealth of Pennsylvania, shall be authorised to receive subscriptions to the said capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof in two of the newspapers printed in the county of Hunterdon, in this state, and in two of the newspapers printed in the county of Bucks, in the state of Pennsylvania, for at least twenty days, of the times and places, when and where, the said subscriptions shall be received; and at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the company shall, from time to time, direct and give public notice of; and upon failure of payment thereof, as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of the said company: *Provided*, That if the number of shares subscribed for shall exceed the amount or number of shares authorised by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed as aforesaid.

Commissioners to receive subscriptions.

\$5 to be paid on each share when subscribed for.

Shares may be forfeited for failure to pay instalments.

Proviso. Apportionment in case of excess of subscription.

III. *And be it enacted*, That when three hundred shares are subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of the "Taylorsville Delaware bridge company;" and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act; and of purchasing, taking, and holding, to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as may be necessary and convenient to them, in the prosecution of their works, and the same to sell and dispose of at their pleasure; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Incorporation.

Election for
officers pro
tem.

IV. *And be it enacted*, That as soon as three hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the said commissioners to give notice, in two or more of the newspapers printed in the county of Hunterdon, in the state of New Jersey, and in the county of Bucks, in the state of Pennsylvania, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose, by ballot, by a majority of votes, to be delivered in person, or by proxy, one president, six directors, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be appointed; and may make such by-laws and regulations, not inconsistent with the laws and constitution of this state, or of the United States, as shall be necessary for well ordering the affairs of the said company: *Provided always*, That no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may be entitled to; and that each person shall be entitled to one vote for every share by him held, not exceeding twenty.

Proviso.
One vote each
share up to
twenty.

Annual elec-
tion.

V. *And be it enacted*, That the said stockholders shall meet on the first Monday in November, in every succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing such officers for the ensuing year.

Certificates
of stock.

Transferable.

VI. *And be it enacted*, That the president and directors, first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders respectively, signed by the president, and countersigned by the treasurer of the said company, which certificates shall be transferable at his or her pleasure, in person or by attorney, subject, however, to the payments due and that may grow due thereon; and the assignee, holding any certificate, having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer for that purpose, shall, for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company; and to vote as aforesaid at the meetings thereof.

General pow-
ers of presi-
dent and di-
rectors.

VII. *And be it enacted*, That the said president and directors, shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business; at such meetings five members shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book; and a quorum being met, they shall have full power and authority to agree with and appoint

such engineers, superintendents, artists and other officers as they shall think necessary to carry on the said bridge, and to complete the same, and to fix their salaries and other wages, to determine the time, manner and proportions, in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for all monies that may be required, the same to be signed by the president or chairman, and countersigned by the clerk of the board, and to do and transact all matters and things as by the by-laws or regulations of the said company shall be lawful.

VIII. *And be it enacted*, That after the place for the erection of the said bridge, shall be fixed, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors, to contract and agree with the owner or owners of any lands and tenements, for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all the necessary works and roads, to and from the same, if they can agree with the owner or owners of the same, but in case they cannot agree then it shall and may be lawful for the said president and directors to apply to one of the justices of the supreme court of this state, not being a stockholder or otherwise interested, who upon such application, is hereby authorised and directed to appoint three discreet and disinterested freeholders of this state, who after being duly sworn or affirmed before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine the said banks, and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all necessary works and roads to and from the same, and shall according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and tenements so necessary to be taken as aforesaid, and shall report what sum shall be paid by the said company for the same, which report shall be made in writing, under their hands and seals, or under the hands and seals of any two of them, and shall return the same, together with a map, describing the metes and bounds of such lands and tenements to the supreme court, next, after they shall have agreed upon and signed the same, and the said report having been confirmed by the said supreme court, shall be filed in the clerk's office of the said court, with the map aforesaid; and the said president and managers having paid the said owners, respectively, the several sums awarded to be paid to them, in and by the said report, together with the fees of the said arbitrators, at the rate of two dollars to each for every

Arrangement
for the settle-
ment of da-
mages.

3 appraisers
to be appoint-
ed.

Their duties:

Report.

Draft.

Fees, &c.

Payment of
award to vest
rights.

day employed in the said business, and their necessary expenses; the said company shall be entitled to have and to hold to them and their successors and assigns forever, the said lands and tenements as fully and effectually as if the same had been granted to them by the respective owners thereof, and it shall and may be lawful thereupon, and not before, for the president and directors to enter upon the said lands and tenements, and to commence and complete the erection of the said bridge.

Right to enter
enclosures,
&c. for ma-
terials.

IX. *And be it enacted*, That it shall and may be lawful for the president and directors aforesaid, their superintendents and engineers and artists of every kind, to enter into and upon all lands and inclosures, near to the place where the said bridge is to be built, and to examine the ground, for the purpose of obtaining stone, gravel or sand, necessary for the building of the said bridge; and it shall and may be lawful for the said directors, overseers, superintendents, or any other person employed in building the said bridge, to enter with wagons, carts, sleds or sleighs or beasts of burden, or draught of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences, they may have occasion to make, and first making amends for any damages that may be done; which damages shall be ascertained by the parties if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation, of three indifferent freeholders of the neighbourhood, or any two of them, to be mutually chosen; or if the owner or managers or superintendents, engineers or artists, upon due notice shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county, not interested on either side; and the said managers or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig, take and carry away any stone, gravel, sand or earth most conveniently situated for making and repairing said bridge.

Appraise-
ment of da-
mages.

Annual state-
ment to stock-
holders.

X. *And be it enacted*, That the president and directors of the said company, shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the stockholders, and of the amount of the profits on shares that may be forfeited as aforesaid, and of voluntary contributions; and also, of all moneys by them expended in the prosecution of the said work; and shall at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges and expenses for effecting the same, shall be fully paid and discharged; and the aggregate amount of all such expenses shall be liquidated and ascertained.

XI. *And be it enacted*, That when a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the property of the said bridge, shall be vested in the said company aforesaid, their successors and assigns forever; and the said company, their successors and assigns may demand and receive toll from travellers and others, not to exceed the following rates: Rates of toll.

For every coach, landau, chariot, phaeton or other pleasurable carriage, with four wheels, drawn by four horses, the sum of seventy-five cents.

For the same carriage, with two horses, the sum of fifty cents.

For every wagon, with four horses, the sum of sixty-three cents.

For every carriage, of the same description, drawn by two horses, the sum of fifty cents.

For every chaise, riding chair, sulkey, cart or other two wheel carriage, or a sleigh or sled, with two horses, the sum of thirty-eight cents.

For the same, with one horse, the sum of twenty-five cents.

For a single horse and rider, the sum of twelve and a half cents.

For every led or driven horse or mule, the sum of six cents.

For every foot passenger, the sum of two cents.

For every head of horned cattle, the sum of three cents.

For every sheep or swine, the sum of one cent.

And the said company shall so erect the said bridge, as in no wise to injure, stop or interrupt the navigation of the said river, or prevent boats or rafts from passing, or persons from fording the said river. Bridge not to interrupt navigation, &c.

XII. *And be it enacted*, That if any person or persons, shall wilfully cut, destroy, break or remove from the said bridge or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she or they so offending shall forfeit and pay for every such offence over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered in any court having cognizance thereof. Penalty on doing wilful injury to bridge property.

XIII. *And be it enacted*, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand any greater rate or prices for the passing over the said bridge, than what are hereinbefore prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending shall for every such offence forfeit and pay the sum of thirty dollars, one third thereof for the use of the poor of the township of Hopewell, county of Hunterdon, in New Jersey; and one third thereof for the use of the poor of the county of Penalty on extortion, neglect, &c. on part of company. How appropriated.

Proviso.
Suits to be
brought with-
in 30 days.

Bucks, and state of Pennsylvania, and the other third for the use of the person who may sue for the same: *Provided always*, That no suit or action shall be brought unless within thirty days after such offence shall be committed.

Compensa-
tion to owners
of ferries and
fisheries.

XIV. *And be it enacted*, That the said president and directors shall have power, to agree with any owner or owners of ferries or shad fisheries that may be injured by the erection of the said bridge, and to compensate them for any damages they may thereby sustain; and if they cannot agree with such owner or owners, then and in such case the said damages shall be ascertained and paid in the same manner as is provided for in the ninth section of this act: *Provided*, That no person shall receive any compensation for ferrying at any ferry which shall have been purchased and paid for by the said company, after the said bridge shall have been completed.

Proviso.

Semi-annual
declaration of
dividends.

XV. *And be it enacted*, That the said president, directors, and company, shall also keep a just and true account of all and every the moneys received by their respective collectors of tolls, for crossing the said bridge; and shall make and declare a dividend of the profits and income thereof, among all the stockholders of the said company, deducting first therefrom, all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund, to provide against the decay, and for the rebuilding and repairing of the said bridge; and shall, on every first Monday in May and November, in each and every year, publish the dividend to be made of the said clear profits thereof, amongst the stockholders, and of the time and place, where and when, the same shall be paid; and shall cause the same to be paid accordingly.

This act not
to go into op-
eration until
legislature of
Pennsylvania
approve.

XVI. *And be it enacted*, That this act shall not take effect or go into operation until the legislature of the commonwealth of Pennsylvania shall pass a law appointing commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock, of erecting a bridge at the place aforesaid, and of extending the same from shore to shore with as full and ample powers, privileges, franchises and emoluments as to the said company are hereby given.

Debarred
from banking.

XVII. *And be it enacted*, That the said company shall not employ any of their funds in banking operations.

In Council, February 14th, 1831.

This bill having been three times read in the Council,
Resolved, That the same as amended and re-engrossed do pass.

By order of Council,

P. D. VROOM, Jr.

President of the Council.

House of Assembly, February 12th, 1831.

This engrossed bill having been read as amended in the Council,

Resolved, That the same do pass.

By order of the House,

ALEXR. WURTS,
Speaker of the General Assembly.

STATE OF NEW JERSEY.

I, James D. Westcott, Secretary of the state of New Jersey, do hereby certify that the foregoing is a true copy of one of the laws of said state, entitled "An act to incorporate the Taylorsville Delaware Bridge Company," passed 14th February, A. D. 1831, on file in my office.



Given under my hand and the seal of said office, at the city of Trenton, this eighteenth day of February, A. D. 1831.

JAMES D. WESTCOTT.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 151.

AN ACT

Relative to certain streets and alleys in the city of Pittsburg, and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of quarter sessions, of the county of Allegheny, on being petitioned to grant a view, for the purpose of ascertaining the propriety of opening and extending Ferry street, in the city of Pittsburg, through from Fourth to Liberty streets, shall have power, and by virtue of this act, are directed and required in open court, to order and appoint nine discreet and disinterested citizens, who being first sworn or affirmed, shall, together with the commissioners of the county for the time being, or a majority of them, view the Ferry, from Fourth to Liberty streets, how opened and extended.

ground proposed for opening said street, and if they or any ten of them view the said ground, and any seven of the actual viewers, exclusive of the county commissioners, agree that there is occasion for said street to be opened, they shall proceed to lay out the same, as agreeably to the desire of the petitioners as may be, in such manner as to do the least injury to private property, and shall make report thereof, stating particularly whether they judge the same necessary, together with a plot or draft thereof to the next court of quarter sessions, and if then and there the court aforesaid shall approve of the same, it shall be entered on record, and thenceforth shall be deemed taken and allowed to be a public street, compensation being first made to the owners of the ground or other property, as hereinafter directed: *Provided*, That the extension of said street, shall not be opened more than forty feet wide.

Proviso.
Width.

Upon report
of viewers in
favor of open-
ing, how
damages
shall be
ascertained,
apportioned,
&c.

SECT. 2. *And be it further enacted by the authority aforesaid*, That on the return of the viewers in favour of opening said street, and its approval as aforesaid, the said court shall appoint twelve discreet and disinterested citizens, who being first sworn or affirmed, shall enquire what damages the owner or owners of lands, houses, or other property shall or may sustain, by reason of the same being taken, used and appropriated for the purpose aforesaid, taking into consideration the advantages that may accrue to, or be derived by the persons petitioning from, and by reason of opening and extending said streets, and the said viewers, shall further proceed to ascertain the names of all the owners of lots or parts of lots, including the county of Allegheny, who may receive any benefit or increase of value to their property, adjacent to said street, and the said viewers, shall (after deducting one third the amount of said damages, to be paid by the city of Pittsburgh,) apportion the amount thereof fairly and equitably, upon each of the said owners of property so benefited, (including the county of Allegheny,) in proportion to the value to each of said lots or parts of lots, respectively accruing, and the said viewers shall file the said appraisal and apportionment, thus made, in the said court, to be recorded at large upon the docket of said court, which thereupon shall bind and conclude all parties, owning or claiming to own the premises affected by this act, or the proceedings under it; and the sums therein specified to be payable, shall be and remain a lien upon each lot or parts of lots, to the extent of the assessment, and charge thereon until duly satisfied and paid: *Provided always*, That the said street shall not be opened, until the select and common councils of said city, shall order the payment of the one third of said damages, above required to be paid by them.

Proviso.
One-third da-
mages to be
paid before o-
pening street.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the select and common councils of the city of Pitts-

burg, shall have power and authority to erect a market house ^{Councils au-} or houses, within any street or streets, of sufficient width ^{thorised to} for that purpose, as they may think expedient and proper. ^{erect market} ^{houses.}

SECT. 4. *And be it further enacted by the authority aforesaid,* That the location of Grant street, in the city of Pittsburg, ^{Location of} from the line of Sixth street to Liberty street, shall be fixed ^{Grant street.} and established according to the regulation of the borough of Pittsburg, by which it coincided with Washington street, at their junction, agreeably to the plan of said city by Colonel George Woods; and that the location of Cherry alley, from the line of Sixth street to Liberty street, in said city, shall ^{Of Cherry} ^{alley.} be fixed and established according to the regulations of the borough of Pittsburg, by which it has been opened and regulated for more than twenty-one years previous to the date of this act; and that all the lots, and parts of lots, regulated or fixed according to the lines of the streets and alley above fixed and established, shall remain as they were during the time Cherry alley was opened and used, in the manner aforesaid.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the court of common pleas of Allegheny county, are ^{Settlement of} hereby authorised and required, to appoint three judicious ^{damages sus-} and disinterested citizens of this commonwealth, whose ^{tained by lot} ^{holders.} duty it shall be to ascertain the names of all the owners of lots, or parts of lots, having any surplus ground within the boundaries above mentioned; and also, the names of all the owners of lots, out-lots, or parts of lots, on Grant-street, who may, by the locations as herein established, lose any portion thereof; and it shall be the duty of the said commissioners, to ascertain and appraise the value of said loss or deficiency, in each of the last mentioned lots or parts of lots; and the said commissioners shall levy and assess the amount of said deficiency, upon the owners of said surplus ground, apportioning the amount thereof fairly and equitably upon each of said owners, in proportion to the value of the surplus ground gained by them, and shall file the said appraisement and apportionment thus made, in the court of common pleas of said county, to be recorded at large on the docket of said court, which thereupon shall bind and conclude all parties owning, or claiming to own, the premises affected by this act; and the proceedings under it, and the sums therein specified to be payable, shall be and remain a lien upon each lot, or parts of lots, to the extent of the assessment, and charge thereon; and unless paid into the city treasury in one year thereafter, the lot or parcel of ground may be levied on and sold, under a writ of *levari facias*, issued in the name of the mayor, aldermen, and citizens of Pittsburg; the moneys so assessed and paid into the city treasury, shall be paid over to the proprietors or claimants

of the said lots on Grant-street, or to the then legal representatives, according to the appraisalment aforesaid.

Relative to
payment of
portion of da-
mages on
Grant street
by city.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said commissioners shall be, and are hereby authorised, to enquire and examine whether it will be equitable and just for the said city of Pittsburg to be charged with any portion of the amount of the deficiency in said lots on Grant street, by reason of the change in the regulations of said city; and that the sum assessed by them, (if any,) chargeable to said city, shall be paid by said city, and deducted from the aggregate of the appraisalment of the said deficiency.

Relative to
lots including
limits not
originally
embraced.

SECT. 7. *And be it further enacted by the authority aforesaid,* That where any lot, or part of a lot, within said boundaries, has been sold or leased by specific boundaries, expressly including ground not embraced in the original dimensions of the lots, as sold by the late proprietors of Pennsylvania, or their agents, the appraisalment above mentioned, and return thereof to the court aforesaid, shall be considered an eviction in law, of the owner or claimant of the surplus ground appraised as aforesaid, so far as to enable the purchaser or lessee of such surplus ground to resort to his vendor or lessor, upon any covenant or warranty contained in his deed.

Hudson's lane
in Philadel-
phia county
may be ex-
tended.

SECT. 8. *And be it further enacted by the authority aforesaid,* That Hudson's lane, in the township of Moyamensing, in the county of Philadelphia, be, and the same is hereby extended in width, to the north line of Christian-street, in the district of Southwark, to be continued of the same width from Passyunk road to the river Schuylkill; the said street or lane to be opened, whenever the court of quarter sessions for the county of Philadelphia shall think the same necessary for public convenience; the damages, if any should be sustained in opening the said street or road, to be assessed and paid in the same manner as damages are paid out of the treasury of Philadelphia county, under the existing road laws of this commonwealth.

Damages to
be paid out of
county trea-
sury.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 152.

AN ACT

To incorporate the Pennsylvania Fire Company, and the Diligent Fire Engine Company of Philadelphia.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all and every the persons who shall, at the time of the passing of this act, be members of the association ^{fire company} called the "Pennsylvania fire company," shall be and they ^{incorporated.} are hereby created and declared to be one body politic and corporate, by the name, style and title of the "Pennsylvania fire company;" and by the same name shall have perpetual succession; and shall be able to sue and be sued, ^{Privileges and liabilities.} implead and be impleaded in all courts of record or elsewhere; and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien or dispose of: *Provided,* That the clear ^{Proviso:} yearly value or income of the necessary houses, lands and ^{Annual in-} tenements, rents, annuities or other hereditaments, and real ^{come limited:} estate of the said corporation, and the interest of money by it lent, shall not exceed the sum of one thousand three hundred and thirty-three dollars and thirty-three cents; and also to make and have a common seal, and the same to break, alter and renew at pleasure; and also to ordain, ^{Seal, by-laws, &c.} establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter or to the constitution and laws of the United States or of this commonwealth; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs thereof.

SECT. 2. *And be it further enacted by the authority aforesaid,* ^{Articles of} That the following shall be the fundamental articles of the association ^{said company.}

ARTICLE I. The objects of this company shall be the ^{Objects.} extinguishment of fires, and the relief of such of their members as may suffer by fire.

ARTICLE II. The officers of the company shall consist of ^{Officers.} a president, secretary, treasurer and board of engineers, (whose number shall be fixed by the company,) who shall

Vacancies. be elected by ballot, semi-annually; and the duties of the aforesaid officers shall be particularly enumerated in the by-laws: *Provided always*, That vacancies, occasioned by death, resignation, removal for dereliction of duty, refusal to accept office, or otherwise, may be supplied at any time, upon notice thereof given to the said company by any of the officers.

Stated and special meetings. ARTICLE III. Stated meetings shall be held at least quarterly, and special meetings in such manner as the by-laws may direct. Ten members shall constitute a quorum, and a majority of those convened, shall govern, except in an alteration of the by-laws or expulsion of a member, when the concurrence of two thirds of the members present shall be required, and the matter be proposed at a preceding stated meeting.

Elections, &c. ARTICLE IV. Elections for members shall be by ballot, and the company may bestow the privilege of honorary membership under such regulations as the by-laws may prescribe.

Entrance money, fines, &c. ARTICLE V. Each person shall be liable to an entrance contribution on admission to membership, and to such fines as the by-laws may prescribe; and his resignation of membership shall not be accepted until his dues are paid or remitted.

Expulsion of members. ARTICLE VI. Any member may be removed from office or expelled from the company for neglecting an attendance at the meetings and fires for one year, for a violation of these articles, for breach of trust or improper conduct: *Provided*, he is afforded an opportunity of making a defence before the company.

Charitable fund. ARTICLE VII. The members being associated for the public good and for the individual relief of each other, the company may establish a charitable fund to relieve such of their members as may suffer by fire, under such regulations as the by-laws may prescribe and declare.

Company debarred from certain privileges. SECT. 3. *And be it further enacted by the authority aforesaid*, That nothing in this act contained shall be deemed to authorise the said company to engage, directly or indirectly, in any banking, monied, commercial, mining or manufacturing concerns, or to act in any other way than as a fire company.

Duration of this act. SECT. 4. *And be it further enacted by the authority aforesaid*, That this act shall continue in force thirty years from the passing thereof, and no longer, for the purposes aforesaid; and the legislature reserves the right to alter, amend or annul this charter at any time hereafter.

Incorporation of Diligent fire engine company. SECT. 5. *And be it further enacted by the authority aforesaid*, That all and every the persons, who shall at the time of the passing of this act, be members of the association, called the Diligent Fire Engine company of Philadelphia, shall be and they are hereby created and declared, to be one body politic and corporate, by the name, style and title of "The Diligent

Fire Engine company of Philadelphia;" and by the same name shall have perpetual succession; and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere, and to take, receive and hold all, and all manner of lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, which at any time or times, heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise conveyed, to the said Diligent Fire Engine company, or to any person or persons for their use, or in trust for them; and the same lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, are hereby vested and established in the said corporation, and their successors forever; and the said corporation and their successors are hereby declared, to be seized and possessed of such estate or estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases, devises, or other conveyances thereof, is or are declared limited and expressed; and also that the said corporation and their successors at all times hereafter, shall be able to purchase, receive, have, hold and enjoy to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, goods and chattels, of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same, from time to time, to sell, grant, demise, alien and dispose of: *Provided*, That the clear yearly value or income of the messuages, houses, lands and tenements, rents, annuities or other hereditaments, and the real estate of the said corporation, and the interest of money by them lent, shall not exceed the sum of thirteen hundred and thirty-three dollars and thirty-three cents; and also to make and have a common seal, and the same to break, alter, and renew at pleasure; and also to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States, or of this commonwealth; and generally to do all and singular, the matters and things, which to them it shall lawfully appertain, to do for the well being of the said corporation, and the due management and ordering of the affairs thereof.

Privileges,
liabilities,
Proviso.
Limit to in-
come.

Scal.
By-laws, &c.

SECT. 6. *And be it further enacted by the authority aforesaid*, This corporation shall not consist of more than one hundred active members, who shall be elected by ballot; but previous to the admission of a member, he must be proposed by one member, and seconded by another, at a stated meeting, and balloted for at the next stated meeting, when upon receiving the votes of two thirds of the members present, and upon signing the articles of the company, shall become an active member; and while he continues as such, shall be subject to such fines and contributions as the laws of the company

No. of mem-
bers.
Admission
thereof, &c.

may impose; and also that this corporation may bestow the privilege of honorary membership, on such active members as they may think proper, and under such regulations as the by-laws may prescribe.

Election of officers. *SECT. 7. And be it further enacted by the authority aforesaid,* That the officers of this corporation shall be a president, vice president, secretary and treasurer, who shall be elected by ballot at the stated meeting in January, and four directors, who shall be elected in the same way, at the stated meetings in January and July, in each year; and in case of any vacancy, in any or either of the offices aforesaid, by death, removal from office, or refusal to serve, it shall be supplied by a new election.

Vacancies:

Stated and special meetings. *SECT. 8. And be it further enacted by the authority aforesaid,* That the stated meetings of the company, shall be held on the evenings of the second Monday of every month, and that adjourned and special meetings may be held, as the company shall see meet, or circumstances may require, but no business shall be transacted at any meeting, unless a quorum, which shall consist of ten members, be present, except to call the roll and then adjourn.

Debarred from certain privileges. *SECT. 9. And be it further enacted by the authority aforesaid,* That nothing in this act contained, shall be deemed to authorise the said company, to engage, directly or indirectly, in any banking, monied, commercial, mining or manufacturing concerns, or to act in any other way than as a fire company.

Duration of charter. Proviso. Right to revoke at any time. *SECT. 10. And be it further enacted by the authority aforesaid,* That this act shall continue in force thirty years, from the passing thereof, and no longer, for the purposes aforesaid: *Provided always,* That if it shall appear that the charter, or privileges hereby granted to the said company, are injurious to the citizens of this commonwealth, the legislature shall have full power to alter, annul and repeal this act, at any time they may think proper.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 153.

AN ACT

To alter the time of holding the courts in Delaware and Schuylkill counties.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That after the first day of June next, the courts of Time changed in Delaware, shall commence on the fourth Monday in August, quarter sessions and common pleas, in the county of Delaware, shall commence on the fourth Monday in August, November, February, and May, in each year: *Provided,* That nothing herein contained, shall affect the time of holding the courts in Chester county. *Proviso. Not affect Chester.*

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the twenty-eighth day of March, one thousand eight hundred and thirty-one, the terms of the Courts of common pleas in Schuylkill co. shall commence on the Mondays preceding the last Mondays of March, July, October and December, respectively, and shall continue two weeks, if necessary; that the number of jurors to be summoned to attend said courts, shall be thirty six for each week, to be drawn and summoned as by the existing laws of this commonwealth jurors are drawn and summoned, where the common pleas continues two weeks. *Time for holding.*

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said court of common pleas shall not interfere with the quarter sessions and orphans' court of Schuylkill county, but the same shall be held as heretofore established, to wit: the last Mondays of March, July, October and December, respectively; that the jurors to be drawn for the second week of the court of common pleas, as per the second section of this act, shall be styled the petit jurors, and be returned to the first day of the commencement of the sessions as aforesaid. *Not to interfere with quarter sessions and orphans' court.*

SECT. 4. *And be it further enacted by the authority aforesaid,* That so much of any act or acts of assembly, as relates to said courts, in the counties of Schuylkill and Delaware, as is hereby altered and supplied, be, and the same is hereby repealed. *Repealing clause.*

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 154.

AN ACT

Relative to the probate of a certain will.

Preamble.

WHEREAS, it is represented that Richard Sterling, junior, died seized of about sixty acres of land, situate in the county of Greene: *And whereas*, it is represented that the said Richard, on his death bed, in the usual form of a noncupative will, devised the said land to his father, during his natural lifetime, and after his death, to his half brother, George Ratliff, a black man: *And whereas*, it is further represented that the said George was a slave, at the date of the said devise, by reason of which the estate could not vest: Therefore,

Duty of register of wills in Greene co. relative to the will of R. Sterling.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the register of wills, in and for the county of Greene, be, and he is hereby authorised, to receive proof of the noncupative will of the said Richard Sterling, junior, in the same manner, and with like effect, as if the said George Ratliff had been a freeman at the time of the making of said will, and as if the same had been done within the time prescribed by law.

Disability of G. Ratliff to inherit, removed.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the disability of the said George Ratliff, to inherit said estate, as next of kin to the said Richard Sterling, junior, deceased, be, and the same is hereby removed; and the said George Ratliff is hereby invested with the same rights and privileges, in relation to said estate, as if he had been free at the death of the said Richard Sterling, junior: *Provided*, That this act shall not be taken to affect the title of any person holding, by title, adverse to the title of said Richard Sterling, junior: *And provided also*, That nothing in this act, shall interfere with the rights of the master to the service of the said George; and further, that the aforesaid estate may be sold, or otherwise disposed of, by the said George, or pass to his heirs, under the intestate laws of this commonwealth.

Proviso. Not to affect adverse titles. 2d proviso.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 155.

AN ACT

Authorising the guardian of the minor children of Andrew Cairns, to sell certain real estate.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for Moses Sullivan, guardian of the minor children of Andrew Cairns, late of Beaver county, deceased, to make sale of a tract of land, containing about one hundred and twenty acres, more or less; adjoining lands of Lawrence Shively, and others, in Hopewell township, and county aforesaid; of which the said Andrew Cairns, died, seized; and to make and execute a sufficient conveyance to the purchaser, and also on behalf of said children, to allow and pay to Alexander Lorrimer, and Elizabeth his wife, a just recompensation for their release of the right of dower of the said Elizabeth, in said tract of land: *Provided,* That the consent of such of the children, as may be of full age at the time of sale, shall be given to the proceedings aforesaid: *And provided further,* That the proceedings under this act, shall be approved by the orphans' court, of Beaver county, and that the said guardian shall give satisfactory security to the said court, for the proper discharge of his duty, and the faithful application of the money arising from said sale.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 156.

AN ACT

Authorising John Shindle and Henry Wingert, executors of the last will and testament of Peter Shindle, to sell and convey certain real estate,

WHEREAS, it is represented that Peter Shindle, late of Lebanon county, deceased, by his last will and testament, dated the fourteenth day of February, one thousand eight

hundred and twenty-five, ordered and directed, that the stone house, where his son Jacob keeps tavern, should be appraised by three men, appointed by the court of Lebanon county, and what those three men should value the said house, Jacob might take it at the valuation; that the house where the testator then resided, should be appraised by the same three men, and whatever they would appraise the same at, Conrad might take it at the appraisement: *Whereas*, in pursuance of the directions of said will, the court of Lebanon county, appointed three men, who appraised said property, and after the appraisement thereof, the guardians, (to wit: Adam Ritcher and John Entress,) of the children of said Jacob Shindle, (he being dead,) refused to take the said stone house at the appraisement, and that the said Conrad Shindle refused to take the said house where the testator resided at the appraisement, that no provision has been made by the said will, for the disposal of said property, if the said Jacob and Conrad should refuse to take the same: *Whereas*, it is further represented, that the said Peter Shindle, died seized of another house and lot, situate in the borough of Lebanon, adjoining lots of John Gloninger Jacob Arndt, and the Lebanon academy lot, that no provision was made by said will for the disposal of said house and lot.

Therefore,

Executors of
P. Shindle's
estate, autho-
rised to sell
and convey
interest of de-
cedent in cer-
tain houses
and lots.

Proviso.
Surety to or-
phans' court.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Shindle and Henry Wingert, executors of the last will and testament of Peter Shindle, late of Lebanon county, deceased, be and they are hereby authorised and empowered to sell all the right, title and interest, late of the said Peter Shindle, deceased, of, in and to a certain stone house and lot of ground, situate in the borough of Lebanon, in Lebanon county, where Jacob kept tavern; also a certain house and lot of ground, situate in the borough of Lebanon aforesaid, where the said Peter Shindle, in his life time, and immediately before his death resided; also a certain house and lot of ground, situate in the borough of Lebanon aforesaid, adjoining lots of John Gloninger, Jacob Arndt, and a lot belonging to the Lebanon academy, and to convey the same in fee simple, by deed or deeds, to the purchaser or purchasers thereof, which shall have the same force and effect as if the said Peter Shindle had sold and conveyed the same in his life-time: *Provided*, That before the said John Shindle and Henry Wingert, shall make sale as aforesaid, they shall give bond in such sum and with such surety as the orphans' court of Lebanon county shall direct, conditioned for the faithful discharge of the duties enjoined

upon them by this act, and the proper application of the money arising from the said sale.

FREDK. SMITH,
Speaker of the House of Representatives,

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 157.

AN ACT

Authorising the commissioners of Bucks county, to apply certain moneys arising from the tax on dogs, in said county, to county purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the commissioners of Bucks county, and they are hereby authorised and directed, after paying all orders that have been issued under the provisions of an act, passed the twenty-third day of March, Anno Domini, one thousand eight hundred and nine, entitled "An act laying a tax on dogs in certain counties, and for other purposes," and the supplements thereto, to apply any unappropriated balance that may remain in the hands of the treasurer of said county, arising from the tax on dogs as aforesaid, in consequence of the repeal of said law, to the funds of the said county.

Balance on
hand to go
into county
treasury.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 158.

AN ACT

To authorise the auditors of Gibson township, in the county of Clearfield, to settle the account of William Leonard, late a supervisor of Lawrence and Gibson townships, in said county.

Auditors to
adjust ac-
counts.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the auditors of Gibson township, in the county of Clearfield, are hereby authorised to settle and adjust the account of William Leonard, late a supervisor of the township of Lawrence, in the said county, for work and labor done within the township of Gibson, after said township of Gibson was struck off from said township of Lawrence, but before supervisors had been elected in said township of Gibson.

May grant
order for ba-
lance due.
Proviso.
Provisions of
this act not
compulsory.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if the auditors of the said township of Gibson, shall find a balance due the said William Leonard, they shall, if they see proper, grant an order on the supervisors of said township, for the balance so found due: *Provided, however,* that nothing in this act shall be taken or construed as compulsory on the auditors of said township, to settle said account, or on the supervisors to make payment of any balance due, beyond their option.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 159.

AN ACT

Authorising Benjamin Martin, under the direction of the orphans' court of Bedford county, to execute a deed to Henry Whilt.

Preamble.

WHEREAS, it is represented that Henry Whilt purchased, from the surviving executrix of Daniel Davis, deceased, a certain tract of two hundred and five acres of land, in the township of Providence, and county of Bedford; that the

said Henry Whilt has received possession of the said premises, and on his part has fully complied with the contract; that Mary Davis, the said executrix of Daniel Davis, deceased, and one of the parties to the contract, has since died intestate, and Benjamin Martin administered to her estate; that no deed has been executed for the said tract of land, and a difficulty arises in making the proof of the contract which the existing laws require, before the court of common pleas: Therefore,

SECT 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the orphans' court of Bedford county, to hear the proofs and allegations of the said Henry Whilt, and others interested, in relation to a certain tract of two hundred and five acres of land, in the township of Providence, and county of Bedford; and on being fully satisfied that he, the said Henry Whilt, ought to receive a title for the said land, the said court shall authorise the said Benjamin Martin, administrator of the estate of Mary Davis, deceased, to make and execute a deed, in fee simple, for the same, to the said Henry Whilt: *Provided,* That if it should appear that any part of the purchase money remains unpaid, the same shall be paid, or secured to be paid, under the directions of the court aforesaid.

Duty of orphans court of Bedford co. in the case of Henry Whilt.
Proviso.
Balance of purchase money.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 160.

AN ACT

For the relief of the administrators of John Kendall, deceased, and Isaac Griffith.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Auditor General, of this commonwealth, be and he hereby is authorised and required, to audit, and re-settle the account of militia fines, collected by John Kendall, now deceased, and Isaac Griffith, late deputy marshalls.

Auditor General to re-settle accounts of J. Kendall and I. Griffith late deputy marshalls.

Balance due.

Limit in
case of J. Ken
dall.

Proviso.

This act not
to affect lien,
in case of I.
Griffith.

ceased, late a Deputy Marshall of the United States, for the counties of Berks and Schuylkill, as rendered by John Miller, and John Bickel, his administrators; and of Isaac Griffith, late a Deputy Marshall, of Bucks county; and in such re-settlement of said accounts, to allow all such charges as would have been allowed, in a settlement of said accounts with the United States, or as it has been customary to allow, in the settlement of similar accounts, by the accounting officers of the said United States; and the amount of any balance which may be found to be due, to the aforesaid administrators of John Kendall, shall be paid out of the state treasury, in the usual manner: *Provided*, Such balance shall not exceed the sum of three hundred and ninety-six dollars and ninety-five cents: *Provided further*, That the lien of the commonwealth, against the real estate of the said Isaac Griffith, and his securities, shall not be destroyed, or in any wise impaired, so far as respects the residue, which may be found remaining due from him to the commonwealth, after such settlement, by any thing contained in this act.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 161.

AN ACT.

To incorporate the Fishing creek rail-road company.

Commission-
ers appointed
to open books.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Charles Graeff, John Goddard and George M'Eldrige, of Philadelphia, Simeon Guilford, of Lebanon county, George N. Eckert, of Berks county, Samuel Hain, Benjamin Aycrigg, of Schuylkill county, or any two of them, be and they are hereby appointed commissioners, to do and perform the several things thereafter mentioned, that is to say: they shall on or before the first Monday in May next, procure three books, one of which shall be opened at the

coffee house, in the city of Philadelphia, one at the house of Thomas Kepple, in Reading, Berks county, and one at the house of Henry W. Conrad, in Pinegrove, Schuylkill county, in each of which they shall enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Fishing creek rail-road company, the sum of fifty dollars, for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate the Fishing creek rail-road company.' Witness our hands the _____ day of _____, 1830.

in the year of our Lord, one thousand eight hundred and thirty _____; and shall thereupon give notice in one newspaper, printed in the counties of Berks and Schuylkill and city of Philadelphia, two weeks at least, of the time and places, when and where the said books shall be kept open to receive subscriptions for the stock of said company; at which respective times and places, one or more of the commissioners shall attend and permit all persons of lawful age, who shall offer to subscribe in the said books, in their own names or in the name of any other person, who shall authorise the same, for shares in said stock; and the said books shall be kept open, respectively, for the said purpose, at least six hours in every juridical day, for the space of six days, or until there shall have been subscribed four hundred shares; and if at the expiration of six days, the books aforesaid, shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of four hundred shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided*, That no person shall be permitted to subscribe for more than five shares on the first day, and not more than five shares on the second day, after which any person may subscribe for any number of shares, until the whole of the stock is taken.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when one hundred and fifty shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners or a majority of them, may certify to the governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each; whereupon the governor shall by letters patent, under his hand and seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also, those who shall

Form of sub-
scription.

\$50 per share.

Notice requi-
site.

Whole No.
400 shares.

Proviso.
No. of shares
limited 1st
and 2d days.

When 150
shares are
taken and \$5
paid on each,
Governor
may incorpo-
rate.

thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of the "Fishing creek rail-road company;" and by the same name, the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels and all estate, real, personal or mixed of what kind or quality soever, and the same, from time to time, to sell, mortgage, grant, alien or dispose of; and to make dividends of such portions of the profits as they may deem proper; and also to make and have a common seal, and the same to alter or renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States, or of this commonwealth; and generally to do all and singular the matters and things, which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained, shall be considered as in any way giving to the said corporation, any mining, trading, transporting or banking privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making of the said rail-road: *Provided further*, That the said company shall at no time hold or possess any coal land for the purpose of carrying on the coal trade.

Style.

Privileges,
immunities,
&c.Proviso.
Debarred
from certain
privileges and
from holding
coal land.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said named persons, or a majority of them, shall as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days previous notice in the newspapers hereinbefore mentioned of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and eight managers, all of whom shall be residents of this commonwealth; a treasurer and secretary, and such other officers as shall be deemed necessary; that the president and managers aforesaid, shall conduct the business of said company, until the first Monday of December then next, and until like officers shall be chosen; and may make such by-laws, rules, orders and regulations as are not inconsistent with the constitution and laws of the United

Organization.

President, 8
managers,
treasurer, &c.
secretary, &c.
pro tem.

States, or of this state, that may be necessary for the well governing the affairs of the company.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet, on the first Monday of Annual elec- December in every year, at such place as may be fixed upon tion. by the by-laws, of which notice shall be given at least twenty days, by the secretary, in the newspapers before mentioned; and choose, by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws; at which annual or special meeting, they shall have full power and authority to make, alter, or repeal, by a majority of the votes, in man- Special meet- ings of stock- holders. ner aforesaid, all such by-laws, rules, orders, and regula- tions, as aforesaid, and to do and perform every other corpo- rate act; and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or they shall hold, in the proportions following, that is to say: for each share, not exceeding two shares, two votes; for every two shares above two, and not exceeding ten shares, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every ten shares above thirty, and not exceeding one hundred, one vote: but no share, or number of shares, above one hundred, as aforesaid, shall confer any additional right of voting; and no share shall confer a right of suffrage, which shall not have been holden three calendar months, prior to the day of election; nor un- less it be holden by the person in whose name it appears ab- solutely and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or ad- ministrator, trustee or guardian, or in the right, and for the use and benefit of some co-partnership, corporation, or so- ciety, of which he or she may be a member; and not in trust for, and to the use and benefit of any other person: Provi- Ratio of votes to shares. ded, That no shares held by transfer, shall be entitled to vote, unless the same shall have been transferred at least three months before the election; and all votes, by proxy, shall be on such terms and conditions, as are prescribed by the act passed on the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and twenty, entitled "An act to regulate proxies." Proviso. Transfers, 3 months prior to election. Votes by proxy.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the election of officers, provided for in the fourth sec- Manner of tion of this act, shall be conducted in the following manner, conducting election. that is to say: the managers, for the time being, shall appoint two of the stockholders, not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation, before

Neglect to
elect, not to
dissolve.

Vacancies
how supplied.

General pow-
ers of presi-
dent and ma-
nagers.

Orders on
treasurer.

Certificates
of stock.

Mode of
transfer.

an alderman or justice of the peace, well and truly, and according to law, to conduct such election to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of the voters, and when the election is closed, shall count the votes and declare who has been elected; and if it shall at any time happen that an election of president, managers, treasurer, secretary or other officers shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary, or other officer on the same day or any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election; and the president, managers, treasurer, secretary, and other officers of the preceding year, shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place; in case of death, resignation or removal from the state, of any president, managers, treasurer, secretary or other officer, his place shall be filled by the board of managers, until the next annual election.

SECT. 6. And be it further enacted by the authority aforesaid, That the said president and managers, shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, five shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book; and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions, in which the said stockholders shall pay the monies due on their respective shares, to draw orders on the treasurer for monies, which shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts, matters and things, as by this act and by the by-laws and regulations of the company they are authorised to do.

SECT. 7. And be it further enacted by the authority aforesaid, That the president and managers first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation to each person, for every share by him subscribed and held, which certificate or evidence of stock shall be transferable at his pleasure, in person, or by attorney duly authorised, in the presence of the

president or treasurer, each of whom shall keep a book for that purpose, subject however to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to one share of the capital stock, of all the estates and emoluments of the company, incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been. Assignees to take place of original stockholders.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if after thirty days notice in the public papers afore said, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall in addition to the instalment so called for, pay at the rate of two per centum per month, for the delay of such payment; and if the same and additional penalty shall remain unpaid, for such space of time as that the accumulated penalty shall become equal to the sums before paid in part, and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same, or in default of payment by any stockholder, of any such instalment as afore said, the president and managers may at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid: *Provided,* That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting. Penalty on failure to pay instalments.
Proceedings in case of default.
Provido. Delinquents not to vote.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company shall demand and require of, and from the treasurer, and all and every other the officers and other persons by them employed, bond, in sufficient penalties, and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them or any of them respectively committed. Bond of treasurer, &c.

SECT. 10. *And be it further enacted by the authority aforesaid,* That dividends of so much of the profits of the institution, as shall appear advisable to the managers, shall be de- Semi-annual dividends.

Not to impair capital. Managers may be liable. Proviso. Dividend not to exceed 12 per cent.

clared at least twice a year, in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the nett profits, actually acquired by the company, so that the capital stock shall never be thereby impaired; if the managers shall make any dividend, which shall impair the capital stock of said institution, the managers consenting thereto shall be liable in their individual capacities to said company for the amount of the stock so divided, and each manager present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend: *Provided*, No dividends shall exceed twelve per centum per annum.

After 3 years annual abstract under oath to legislature.

SECT. 11. *And be it further enacted by the authority aforesaid*, That at the end of the third year, after the date of this act of incorporation, and at the end of every year thereafter, there shall be furnished to the legislature, an abstract of the account of the company, showing the whole amount of their capital actually paid into the funds of the company, and the amount of dividend declared in each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president of the company for the time being.

Route of rail road. Location.

SECT. 12. *And be it further enacted by the authority aforesaid*, That the president, managers and company of the said rail-road company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a single or double rail-road, commencing at the feeder of the Union canal, at the mouth of Fishing creek, in Pinegrove township, Schuylkill county, up the valley of said creek, and along the east branch thereof, to the foot of the Broad mountain, in said county; and the two tracks of said rail-road may be either contiguous, or at any distance apart, that the company may deem expedient; having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience and the interests of the stockholders, and so as to do the least damage to private property; and the said road shall not be more than thirty feet wide, if the tracks be contiguous, nor twenty feet for each track, if they be separate, unless greater width be agreed upon between the company and the owners of the lands through which the said rail-road passes; and shall not pass through any burying ground nor place of public worship, nor any dwelling house, without the consent of the owner thereof, nor shall it pass through any out buildings of the value of three hundred dollars without such consent: *Provided*, That the said rail-road shall be made single or

Not to pass through burying grounds, &c. without consent. Proviso.

double, so as to accommodate the trade ascending as well as descending the same.

SECT. 13. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the president, managers and company of the said rail-road company, and their agents and all persons employed by or under them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for laying out said road, and also for the purpose of searching for stone and gravel or wood for constructing said roads; but no stone, sand, gravel or wood shall be taken away from any seated land without the consent of the owner thereof, until the rate of compensation for the same be ascertained and paid, which rate of compensation if the parties cannot agree thereon, shall be ascertained in the manner hereinafter prescribed, as to the compensation for lands over which said road may be laid.

Right to enter enclosures for materials and to locate.

Consent of owner.

SECT. 14. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the company hereby incorporated, to make, erect and establish, a single or double rail-road as aforesaid, to be constructed so that the said rail-road, in its progress, shall in no part of it rise above one inch to a foot; and said company are also hereby empowered to erect, make, and establish all works, edifices, and devices, to such rail-road, as may by the said company be deemed expedient, for the purposes of carrying into effect the objects of their incorporation; and also to contract and agree with the owner or owners, for the purchase of any lands or tenements which may be necessary for the purpose of erecting the said rail-road; but unless such agreement be made, no more land shall be taken than what is absolutely necessary for the purpose of said rail-road.

Right to construct, erect, &c.

SECT. 15. *And be it further enacted by the authority aforesaid*, That whenever it shall be necessary for the president, managers and company, of the said rail-road company, to enter in and upon, and occupy, for the purpose of making said rail-road, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree, the compensation to be made for an injury or supposed injury that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons, to estimate such damages, who shall be under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county where the land lies; and the expenses incurred by the said appraisers shall be defrayed by the said rail road company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty-days after requisition for that purpose upon him, or if such owner shall

Appraisement of damages.

Appointment of viewers.

Expenses to be borne by company.

be feme covert, under age, non compos mentis, out of the state, or unknown, then it shall be lawful for the court of common pleas of the county in which the land lies, on application of either party, and at the cost and charge of said corporation, to appoint six disinterested persons, men of said county, to view, examine, and survey, the said lands, tenements or hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid, by reason of said rail-road, and report the same, under their oaths or affirmations, to the said court, which report being confirmed by the said court, judgment shall be entered thereon; and the viewers shall be entitled to the like fees for their services as are allowed by law to reviewers of public roads and highways, to be paid by said company; and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands, from the said rail-road: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed by the provisions of the arbitration act, of one thousand eight hundred and ten; and upon the coming in of such report, and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sum in such report or judgment specified, in full compensation for the injury sustained as aforesaid, the said company, and they and all who act under them, shall be acquitted and freed from all responsibility for, and on account of such injury: *Provided*, That the payment of damages aforesaid, for land through which the said road may be laid, shall be made before the said company, or any person under their direction or in their employ, shall be authorised to enter upon and break ground in the premises, except for the purposes of surveying and laying out said road, unless the consent of the owner of such land be first obtained. The company may retain possession of said land, as long as it continues to be occupied by the rail-road.

Viewers to be sworn.

Their fees, &c.

Proviso.
Appeal from decision of viewers.

2d proviso.
Not to break ground without consent, &c.

Erection of public causeways.

To be kept in repair.

SECT. 16. *And be it further enacted by the authority aforesaid*, That the said rail-road shall be so constructed by the said company, as not to obstruct or impede the free use and passage of any public road or public roads, which may cross or enter at the same, being now laid out, or hereafter to be laid out; and in all places where the said rail-road may cross, or in any way interfere with any public road, it shall be the duty of the said company to make, or cause to be made, a good and sufficient causeway or causeways, to enable all persons passing or travelling such public road, to cross and pass over or under the said railway, which causeway or causeways shall be made and maintained by the said company; and if the said company shall refuse or neglect to

make such causeway or causeways, or when made, to keep the same in good repair, they shall be liable to pay a penalty of ten dollars for every day the same shall be neglected or refused to be made or repaired, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable; and shall, moreover, be liable to an action or actions, at the suit of any person who may be aggrieved thereby; and the service of process upon any officer or agent of said company, shall be as good and as available in law as if served upon the president thereof.

Service of process on company.

SECT. 17. *And be it further enacted by the authority aforesaid,* That for the accommodation of all persons owning or possessing land through which the said rail-road may or shall pass, and to prevent inconvenience to such persons in crossing or passing the same, it shall be the duty of the said company, when required, to make, or cause to be made, a good and sufficient causeway or causeways, wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over or under the same, with wagons, carts, and implements of husbandry, as occasion may require: *Provided,* That the said company shall in no case be required to make, or cause to be made, more than one causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said rail road may or shall pass; and where any public road shall cross said rail road, the person owning or possessing land through which the said road shall pass, shall not be entitled to make such requisition on said company; and if required by the owner of any improved land, the company shall make fences on both sides of the road, and the said causeway or causeways, or fences when so made, shall be maintained and kept in repair by said company, and if said company shall refuse or neglect, to make such causeway or causeways, or fences, or when made to keep the same in good repair, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person, in consequence of such refusal or neglect, to be sued for and recovered before any magistrate or any court, having cognizance thereof, and the service of process upon any officer or agent of said company, shall be as good and as available in law, as if served upon the president thereof: *Provided,* That this act may not be so construed as to prevent owners of land, through whose property the said rail-road passes, from constructing crossing places over said road: *Provided* they be such as are usually made by the company.

Private cause ways.

Proviso.
But one for each owner.

None requisite where a public road crosses.

Fences.

Repair.
Company liable for damages.

Service of process.

Proviso.
Owners may make similar ways.

SECT. 18. *And be it further enacted by the authority aforesaid,* That no suit or action shall be brought or prosecuted by any person or persons, for penalties incurred under this act, unless said suit or action shall be commenced within six months next after the offence shall have been committed, or

Suits must be commenced within six months.

the cause of action shall have accrued; and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Others may connect rail-roads with this.

SECT. 19. *And be it further enacted by the authority aforesaid*, That the company shall not prevent any person or persons, being the owner or owners of land bordering on the said rail road, or adjacent thereto, from making such lateral rail-roads, and to connect them with said rail-road from their said lands, as the said person or persons may conceive necessary for the purpose of transporting their coal or produce down the said rail-road.

Road to be a highway.

SECT. 20. *And be it further enacted by the authority aforesaid* That on the completion of the said rail-road, the same shall be esteemed a public highway, free for the transportation of all commodities; and the said company may charge and receive tolls, and for freights on and for the transportation of goods, wares, and merchandise, at the following rates, that is to say: on each ton of coal, one and a half cents per mile; on each ton of salt, gypsum, and lime, one and an half cents per mile; on brick, per thousand, two cents; on lumber, squared and round, per one hundred feet, solid, two cents per mile; on boards, plank, scantling, or other sawed stuff, reduced to inch stuff, two cents per one thousand feet per mile; on shingles, per thousand, one cent per mile; on staves and heading for pipes and hogsheads, per mile, two cents per thousand; and staves and heading for barrels, and other vessels of less size, one cent per mile per thousand; on all other articles not enumerated, three cents per ton per mile; on all single and detached articles, weighing less than a ton, it shall be lawful to charge and receive, on the transports thereof, an advance of twenty per centum on the rates as above established; and for every horse, not employed in drawing a car on which toll is chargeable, half a cent per mile; for every horse and its rider, one cent per mile; for every person drawn in a car or carriage, other than the person employed to drive the same, half a cent per mile: *Provided*, That whenever the aforesaid tolls shall exceed twelve per centum on the capital expended, they shall be reduced so as not to exceed that amount: *Provided also*, That every person or persons using the said road, shall only use those carriages and wagons, and conveyances, which shall be adapted thereto, which said carriages, wagons, and conveyances, to be used thereon, for the transportation of persons or commodities, shall be prescribed by the said company.

Proviso.
Not to produce more than 12 per cent.
2d proviso.
Construction of cars.

Penalty on doing wilful injury to property of company.

SECT. 21. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully and knowingly break, injure, or destroy the rail-road, or any part thereof, or any work, edifice or device, or any part thereof,

to be erected by the said company in pursuance of this act, he, she, or they, shall forfeit and pay to the said company, three times the actual damages so sustained, to be sued for and recovered with cost of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the said company.

SECT. 22. *And be it further enacted by the authority aforesaid,* That if the president, managers and company, shall not proceed to carry on said work within two years from the passage of this act, and shall not complete the same as aforesaid in five years, according to the true intent and meaning of this act; or if, after the completion of the said road, the said corporation shall suffer the same to go to decay and be impassable, for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages. Work to be begun if two and finished in five years.

SECT. 23. *And be it further enacted by the authority aforesaid,* That if any increase of the capital stock be deemed necessary by the stockholders, to complete the said rail-road, it may be lawful for the said president, managers, and company, at a stated or special meeting convened for the purpose, to increase the number of shares, so that the capital of said company shall not exceed thirty-thousand dollars; and to receive and demand the moneys for shares so subscribed in like manner, and under like penalties, as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws. Increase of capital stock. Not to exceed \$30,000.

SECT. 24. *And be it further enacted by the authority aforesaid,* That the legislature reserves the right to revoke, alter, or annul the charter hereby granted, at any time they may think proper, or to purchase the right of the said company, and the rail road, with its appurtenances, at any time after thirty years from the passage of this act, at a reasonable price and valuation. Right to repeal or purchase.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the president or secretary of the said company shall, annually, on the first Monday of December, transmit to the Auditor General, a full statement, under oath, of the affairs of said company; and that the said company shall pay to the commonwealth, a tax of eight per centum on all dividends which may exceed six per centum, on the capital stock actually paid. Annual statement to Auditor General. Tax on dividends.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 162.

AN ACT

Concerning the Allentown Academy, in the borough of Northampton, in the county of Lehigh, and for other purposes.

Trustees of
Allentown
academy may
expend \$500
of permanent
fund.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustees of the Allentown Academy, be and they hereby are authorised to expend any amount, not exceeding five hundred dollars, of the permanent fund of said academy, in completing and if necessary adding to the buildings, belonging to said institution, and in purchasing books, maps, globes, mathematical instruments, furniture, and any necessary philosophical apparatus for the use thereof, or for any or all said purposes, in such manner as they may deem proper, in order to render said academy useful to the public.

Controllers of
the public
schools in
Philadelphia.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the fifth section of the first school district, of the state of Pennsylvania, shall be entitled to one controller of the public schools, for the city and county of Philadelphia, and the sixth section of said district, shall be entitled to one controller in said board, and the seventh and eighth sections of said district, shall be entitled to one controller in said board, which said additional controllers, shall be elected from their own numbers, by the directors of said sections respectively: *Provided,* That the directors of the seventh and eighth sections, shall hold a joint meeting for the election of a controller from their sections, and that after the current year the said additional controllers shall be elected, in the month of January, annually.

Extension of
superinten-
dence in first
school district

SECT. 3. *And be it further enacted by the authority aforesaid,* That the controllers of the public schools, for the city and county of Philadelphia, shall have the same power and superintendence over the fifth, sixth, seventh and eighth sections, or any other sections which may be hereafter made, in the first school district as they now have, in relation to the other sections of said district.

Repealing
clause.

SECT. 4. *And be it further enacted by the authority aforesaid,* That so much of any act as is hereby altered or supplied, be and the same is hereby repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 163.

AN ACT

Relative to township auditors, in the counties of Montgomery and Chester.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That at the election for choosing supervisors for each township and borough, in the counties of Montgomery and Chester, respectively, the electors qualified to vote for members of assembly, shall elect by ballot three fit and capable citizens as aforesaid as auditors, of whom the highest in vote shall serve three years, the next highest, two years, and the next one year, and their places respectively, shall be filled by the annual election of another person to serve three years, whose duty it shall be to settle and adjust the accounts of the supervisor or supervisors, whose term of service is then about to expire, in the manner prescribed by the fourth section of the act of sixth of April, one thousand eight hundred and two: *Provided,* That before the said auditors shall enter on their respective duties, they shall in the same manner as arbitrators are sworn or affirmed, under the act entitled "An act regulating arbitrations, passed the twentieth of March, one thousand eight hundred and ten, be sworn or affirmed, to perform the same with fidelity; and that if any supervisor or supervisors, or any of the citizens of said township or borough, shall conceive him or themselves aggrieved by the settlement of said auditors, the court of quarter sessions next, after such settlement being made, upon the petition of the party aggrieved with such settlement, is hereby authorised and required to take such order thereon as shall be deemed advisable; and the judgment of said court shall be final and conclusive: *And provided further,* That so much of the fourth section of the act, entitled "An act for laying out, making and keeping in repair, the public roads and highways within this commonwealth, and for laying out private roads," passed sixth April, one thousand eight hundred and two, as is hereby altered and supplied, be and the same is hereby repealed, so far as the same relates to the counties of Montgomery and Chester.

Election of
auditors.

Classification
&c.

Proviso.
Oaths of office

Appeal to
court of quar-
ter sessions.

2d proviso.
Repeal of so
much of for-
mer act as re-
lates to Ches-
ter and Mont-
gomery.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 164.

AN ACT

To establish a seventeenth judicial district, and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the fourth Monday in May next, the counties of Beaver, Butler and Mercer, shall be and they hereby are erected into a separate judicial district, to be called the "seventeenth judicial district," and a person shall be appointed and commissioned by the Governor, to be president and judge of the courts of common pleas, within the said district; which said president shall receive the like salary, and have and execute all and singular the powers, jurisdictions and authorities of president and judge of the court of common pleas, court of oyer and terminer, and general jail delivery, orphans' and register's courts, and justice of the court of quarter sessions of the peace, agreeably to the constitution and laws of this commonwealth.

Beaver, Butler and Mercer erected into a separate district.

Governor to appoint judge

Time of holding courts from the 4th Monday of May.

Provided.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the said fourth Monday in May next, the courts of common pleas, oyer and terminer, orphans' court, and general quarter sessions of the peace, in said district shall commence and be held on the following days, in each and every year, that is to say: in the county of Beaver, on the first Mondays in March, June, September and December; in the county of Butler, on the second Mondays in the same months; in the county of Mercer, on the fourth Mondays in the same months: *Provided,* That the first courts in each of the counties aforesaid, after the passing of this act, shall commence and be held at the times now fixed by law, and afterwards all process shall be returnable to the next term as fixed by this act.

Time of holding courts in 5th judicial district after first Monday of June next.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the first Monday of June next, the courts of common pleas and quarter sessions, in the fifth judicial district, (and which after the first Monday of June as aforesaid, shall be composed of the county of Allegheny alone,) shall commence and be held on the following days, in each and every year, to wit: on the fourth Mondays of October, December, March and June, and be continued as long as may be necessary, (according to the discretion of the court,) for the disposal of all the causes, on the trial and argument lists.

SECT. 4. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in June next, the courts

of common pleas, oyer and terminer, orphans' court, register's court, and court of general quarter sessions of the peace, in the sixth judicial district, shall commence and be held on the following days, in each and every year, to wit: in the county of Erie, on the first Mondays in February, May, August and November, to continue one week; in the county of Crawford, on the third Mondays of the same months, to continue one week; in the county of Venango, on the fourth Mondays of the same months; and in the county of Warren, on the Mondays next following those mentioned for the county of Venango.

Time of holding courts in 6th judicial district after first Monday of June next.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 165.

AN ACT

Declaring Chester and Ridley creeks, in the county of Delaware, public highways.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, Chester and Ridley creeks, in the county of Delaware, are hereby declared to be public highways, to wit: Chester creek, from the mouth thereof, at the river Delaware, up to Richard Flower's mills, and Ridley creek, from the mouth thereof, at the river Delaware, up to Peirce Crosby's mills.

Chester creek from mouth to Flower's mills. Ridley, from mouth to Crosby's mills.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any person or persons shall by blasting rocks, or in any other manner, throw or place any stone, tan or other materials, or thing in such parts of either of said creeks, as are hereby declared to be public highways, or shall commit any other nuisance therein, calculated to injure the navigation thereof, and shall not on notice given by the constable of the proper township, remove said nuisance or obstruction forthwith, such person or persons shall be fined in a sum not exceeding one hundred dollars, to be recovered before one of the nearest justices of the peace of the proper county, to be

Penalty on obstructions.

How recovered and appropriated.

Proviso.
Right of ap-
peal.

applied to the removal of the said nuisance or obstruction, and the surplus if any to be applied to the removal of any other obstructions to the navigation of said creeks: *Provided however*, That if any person or persons shall conceive himself or themselves aggrieved by the judgment of a justice of the peace, he or they may appeal by petition to the next court of quarter sessions, who shall take such order thereon as to them shall appear just and reasonable; and the same shall be conclusive.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 166.

AN ACT

To repeal the act entitled "An act to regulate fences, and encourage the raising of swine," so far as regards Lycoming county.

Act of 27th
March, 1784,
partially re-
pealed.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the first day of June next, the act entitled "An act to regulate fences, and to appoint appraisers in each township, in the counties of Bedford, Northumberland, Westmoreland, Washington and Fayette, and to encourage the raising of swine," passed the twenty-seventh day of March, one thousand seven hundred and eighty-four, (except the repealing clause) be and the same is hereby repealed, so far as the same respects and is in force in the county of Lycoming.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 167.

AN ACT

For the relief of Abraham Frayer.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and ^{\$300 granted} required to pay to Abraham Frayer, of Butler county, or ^{for donation} order, three hundred dollars, in full, for a tract of donation ^{land of J. Miller.} land, which was granted to John Miller, a soldier of the revolutionary war, whose right and interest has become legally vested in the said Abraham Frayer, situate in what is commonly called the Struck donation, in the second district, number three hundred and fifty-two, containing two hundred acres, which had previously to the date of the patent, been appropriated by actual settlement: *Provided,* That the said Frayer, shall first deposit in the office of the Secretary of the Land office, his title papers, and a release thereof. ^{Proviso.} ^{Title papers} to be filed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 168.

AN ACT

To erect Youngstown, in the county of Westmoreland, into a borough.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Youngstown, in the county of West-Borough moreland, shall be, and the same is hereby erected into boundaries. a borough, under the name and title of "the borough of Youngstown;" the extent and boundaries of which shall be as follows: beginning at Keenan's mill; thence east ninety degrees sixty-nine perches, to a white oak; north fourteen

degrees, east forty seven perches, to a stump; south eighty six degrees, east fifty-two perches, to the turnpike at John Rawan's; south forty-seven degrees, east twenty-two perches, to Martin West's; south forty-two degrees, west sixty-one perches, to Francis Littel's; south thirty-two degrees, west fifty-eight perches, to a post; north forty-seven degrees, west twenty-six perches, to the meeting house; south eighty-seven degrees, west twenty-six perches, to a beech; south twenty five degrees, west twenty-eight perches, to a mill dam; north twenty six and one fourth degrees, west fifty perches, to the turnpike; north four degrees, east fifty perches, to the beginning.

First election
for officers.

Burgesses,
council and
high constable.

Conduct of
election.

Vacancies.

Classification
of council.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough, entitled to vote for members of the general assembly, and who have resided within the same for six months, immediately preceding the election hereinafter mentioned, shall, on or before the first Monday of May next, meet at the house of John Gibson, within the said borough, and then and there, between the hours of one and five in the afternoon, elect, by ballot, one citizen, who shall be styled chief burgess, and one other citizen, who shall be styled assistant burgess; six citizens to be a council, and one citizen to be a high constable; all of whom shall be inhabitants of said borough; but previously to the opening of said election, or at any subsequent election, held in pursuance of the provisions of this act, such of the inhabitants who may be present, at the said house of John Gibson, shall choose two citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated, throughout, according to the general election laws of this commonwealth; and who shall be subject to the same penalties, for mal-practices, as by the said laws are imposed; and the said judges, inspectors, and clerks, shall take an oath or affirmation, before a judge or justice of the peace, to perform the same with fidelity and impartiality; and after the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected; and in case any two, or more, of the candidates for the same office, shall have an equal number of votes, the preference shall be determined by lot, to be drawn in the presence of the inspector and clerks; whereupon, a certificate of the said election shall be signed by the said judges, a copy whereof shall be transmitted by the clerks to each person elected, and the original be recorded in the record book of the corporation; and in case of death, resignation, removal, or refusal to accept, of any of the said officers, a new election shall be held for the purpose of supplying such vacancy, in the manner hereinafter provided.

SECT. 5. *And be it further enacted by the authority aforesaid,* That on the Monday next after said election, the members

of the council, elected as aforesaid, shall be convened at the house of John Gibson, in the said borough, by the chief burgess or assistant burgess, and then and there shall, by lot, divide themselves into three classes; and the seats of the members of the council of the first class, shall be vacated at the expiration of the first year; of the second class at the expiration of the second year, and of the third class at the expiration of the third year: counting the year as commencing, for corporate purposes, on the third Friday of April.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough, entitled to vote Annual elec- as aforesaid, shall, on the first Monday in May, next ensu- tion. ing the election aforesaid, and on the same day in every year thereafter, meet at the house of John Gibson, as aforesaid, and elect, in manner aforesaid, one chief burgess, one assistant burgess, one high constable, and two members of the town council, to supply the place of the members of the council vacated in the manner hereinbefore mentioned; and the certificate of such election shall be signed by the said judges, a copy thereof transmitted by the high constable of the preceding year to each person so elected, and the original recorded in the record books of the corporation. And in case of the death, resignation, removal, or refusal to accept, of any of the said officers, or if it should at any time happen, that no election shall be holden on the day, or in the manner aforesaid, the chief burgess, or in his absence or inability, or refusal to act, the assistant burgess, shall issue his precept, directing the high constable to hold an election in manner aforesaid, to supply such vacancy, giving at least ten days notice of such election, in one of the newspapers in the said borough, or by five advertisements, set up in the most public places within the same; in the mean time, the officers within the said borough, elected for the last year, shall continue, to all intents and purposes, to hold their respective offices, and exercise all the powers appertaining thereto, as fully and effectually, as if their term of office had not expired. Vacancies from any cause how supplied.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the inhabitants of said borough, in manner aforesaid, Election of shall elect two street supervisors, one assessor, and two supervisors assistant assessors of county taxes, for the said borough, at and assessors. such times, and under like regulations. and for the same purposes, as are, or shall be hereafter directed by law, in the several townships within this commonwealth; which said street supervisors, assessors, and assistant assessors, so elected, shall have, use, and exercise, all and every the powers, rights, and privileges, perform all and every the same duties, and be subject to all and every the same fines, penalties, and forfeitures, within the said borough respec-

tively, which are, or hereafter lawfully may be used, had, and exercised, or which are, or shall be, suffered by and imposed upon like officers of the several townships within this commonwealth; and the names of the said street supervisors shall be returned to the next court of quarter sessions of the county, for the same purposes as is, or shall be declared by law, as to supervisors of roads in the several townships within this commonwealth.

SECT. 6. *And be it further enacted by the authority aforesaid,*
Incorporation That from and after the first Monday in May next, the chief burgess and assistant burgess, and council, duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "the burgess and council of the borough of Youngstown," and shall have perpetual succession; and shall be capable, in law, to have, acquire, receive, hold, purchase and possess, goods, chattels, lands and tenements, rights, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple, or otherwise, not exceeding the yearly value of five thousand dollars; and also to give, grant, let, assign the same goods, lands, chattels, tenements, hereditaments, and rents; and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of this commonwealth, in all manner of actions whatsoever; and to have and use one common seal, and the same, from time to time, at their will, to change and alter.

Title.

Privileges, liabilities, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,*
Penalty on refusal to perform duties of office. That if any person duly elected as chief burgess, assistant burgess, member of the council or high constable as aforesaid, and having received notice thereof as directed by this act, shall refuse or neglect to take upon himself the execution of the said office, or having taken upon himself the duties of said office, shall neglect to discharge the same according to law, every person so refusing or neglecting, shall for every such offence forfeit and pay the sum of ten dollars, which fine and all other fines and forfeitures incurred and made payable in pursuance of this act, or of any of their by-laws and ordinances of the burgess and councils, shall be for the use of the said corporation, and shall be recoverable before any justice of the peace of said county, in the same manner that debts of equal amount are or shall hereafter be by law recoverable, and when so recovered, shall be forthwith paid to the treasurer of the borough, and it shall be the duty of the officers of said borough, on receiving any money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided,* That no person elected as aforesaid, be liable to a fine for refusing or neglecting to serve more than once in five years.

How recovered and appropriated.

Proviso. Term of service.

SECT. 8. *And be it further enacted by the authority aforesaid,*
Oaths of office That the chief burgess, assistant burgess and members of the

council and high constables, and each of them, before entering on the duties of their respective offices, shall take and subscribe an oath or affirmation before a judge or justice of the peace of the said county, to support the constitution of the United States and of this state, and to perform the duties of their respective offices with fidelity; and the certificates of such oaths or affirmations shall be recorded among the records of the corporation.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the chief burgess, or in case of his absence, inability or refusal to attend, of the assistant burgess, and at least four members of the council to hold sessions; in all of which the chief burgess or assistant burgess as the case may be, shall preside; and in case of an equal division of the council, he shall give the casting vote, on the third Saturday of May, July, October and February in each year, and oftener if occasion should require, of which notice shall be given in manner aforesaid, by the chief burgess or assistant burgess, at which session they may enact or ordain, revise, repeal and amend all such by-laws, ordinances, rules and regulations as shall be deemed expedient to promote the peace, good order, benefit and accommodation of the citizens of the said borough, to provide for the regulation of the market, improve, repair and keep in order the streets, alleys and highways, ascertain the depth of vaults, sinks, pits or privies, make permanent rules, relative to the foundations of buildings, party walls and fences; they shall further have power to enact by-laws, to impose fines and penalties and partial or total forfeitures, to assess apportion and appropriate such taxes as shall be adjudged necessary for carrying the said by-laws, ordinances, rules and regulations, from time to time into complete effect; which by-laws, ordinances, rules and regulations shall be signed by the president of the council, attested by the secretary, and recorded in the record books of the corporation; and also to appoint annually a secretary, treasurer, clerk of the market, and a collector and such other officers as may from time to time be thought necessary; and the same officers from time to time to remove for misdemeanor in office, which sessions of the said burgess and council shall be held at the house of John Gibson, or such other place in said borough as the burgess and council may from time to time agree upon: *Provided,* That no by-laws, ordinances, rules or regulations of the same corporation, shall be repugnant to the constitution or laws of the United States, or of this commonwealth; and that no person shall be punished for a breach of any by-law, ordinance, rule or regulation made as aforesaid, until ten days shall have expired after the promulgation thereof, in at least one English newspaper if any there be printed in said borough, or by at least five advertisements set up in the most public places

General power of burgess and council.

Proviso. Of the by-laws, and their publication.

2d proviso.
Limit to rate
of tax.

within the said borough: *And provided also*, That in laying such tax, due regard shall be had to the valuation of all such taxable property assessed or hereafter to be assessed for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed one half cent in the dollar of such valuation, unless some object of general utility require the same, in which case the consent thereto of a majority of the taxable inhabitants of the said borough, shall be previously obtained in writing.

Collection of
taxes.

SECT. 10. *And be it further enacted by the authority aforesaid*, That the chief burgess elected and qualified agreeably to this act, or in his absence, inability or refusal to act, the assistant burgess is hereby authorised and empowered to issue his precept as often as occasion may require, directed to the high constable, or in case of his inability to act to some other fit person, commanding him to collect all taxes assessed by this act or by the ordinances, by-laws, rules and regulations of the corporation, and to cause the same to be paid over to the treasurer; and the said burgess is hereby authorised to carry into effect, all by-laws enacted by the said chief burgess or assistant burgess and council.

Lot holders
making pave-
ments to have
credit on ac-
count of tax.

SECT. 11. *And be it further enacted by the authority aforesaid*, That if any person or persons, being lot owners in the said borough, have already made or shall hereafter make, a good and sufficient pavement of either stone or brick, in front of his or their lot, in such manner as to be approved of by the street supervisors, the person or persons so doing, shall have a credit on their borough tax, from year to year, until their tax will have amounted to the value of such improvement, the valuation of which improvement shall be fixed by three reputable citizens, to be chosen by the street supervisors, and the citizens making such improvement.

Duty of se-
cretary.

SECT. 12. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the secretary, to attend all sessions of the burgess and council, when assembled on business of the corporation, and perform the duty of the clerk thereto, and to keep and preserve the seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties, which may be enjoined upon him by virtue of this act or the acts of the corporation, whose attestation with the seal of the corporation, shall be good evidence of the act or thing so certified.

Security of
treasurer.

SECT. 13. *And be it further enacted by the authority aforesaid*, That the treasurer shall give sufficient security, for the faithful discharge of the duties of his office, and for the safe delivery of all monies, books and accounts appertaining thereto, into the hands of his successor, upon the demand made for that purpose.

SECT. 14. *And be it further enacted by the authority aforesaid,*
That the street supervisors, treasurer, high constable, clerk of the market, and collector, as well as all other officers, who may be appointed in the corporation, by the chief burgess, or assistant burgess and council, shall at their session on the third Saturday in May, of each and every year, render their accounts to the said burgess and council for settlement, and the said accounts being adjusted accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and all monies paid into the treasury, and the particular items of expenditures.

Annual settle-
ment and pub-
lication of ac-
counts.

SECT. 15. *And be it further enacted by the authority aforesaid,*
That the chief burgess, assistant burgess, and three members of the council, to be appointed at the first session in each year, or any three of them, shall constitute a court of appeal; and prior to the collection of any borough tax, the collectors shall inform each inhabitant of the amount of his or her tax, and of the time and place of appeal: *Provided,* That the said court of appeal, shall have no other power as such, than to determine the justice of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

Court of ap-
peal.

Proviso.
Power limited

SECT. 16. *And be it further enacted by the authority aforesaid,*
That it shall be the duty of the high constable, to give notice of the annual election in said borough, in at least one newspaper printed therein, or by setting at least five advertisements in the most public places therein, at least ten days previous thereto. He shall attend and see that the election is opened, at the time and in the manner directed by this act: *Provided,* That James Keenan and William T. Baldridge, of the said borough, or either of them, shall publish and superintend the election to be held on the first Monday of May next, as hereinbefore directed.

Notice of an-
nual election.

Proviso:
Of first elec-
tion.

SECT. 17. *And be it further enacted by the authority aforesaid,*
That the chief burgess, or in case of his inability or refusal to act, the assistant burgess and council, shall from time to time fix the salaries or fees of the high constable, secretary, treasurer, clerk of the market, and such other officers as may be appointed under this act, which salaries or fees shall be paid out of the borough treasury, by orders drawn thereon, signed by the chief burgess or assistant burgess, as the case may be, and attested by the secretary, which salaries or fees shall not be increased or diminished, during the time said officers shall have been appointed respectively: *Provided,* That if any person appointed by the said burgess, and council as aforesaid, shall neglect or refuse to take on himself the duties of the office, to which he shall be appointed, he shall for such neglect or refusal, forfeit and pay for the use of the corporation, the sum of ten dollars, unless he can ren-

Salaries and
fees of officers

Proviso.
Penalty on
refusal to ac-
cept.

der to the said chief burgess and council, a satisfactory reason, why he should be exonerated from such service.

SECT. 18. *And be it further enacted by the authority aforesaid,* That if any person or persons shall think him, her or themselves aggrieved by any thing done in pursuance of this act, or of any by laws or ordinances made under the authority of the same, except what relates to the assessing and collecting of the borough tax, and appointments made by the burgess and council as aforesaid, he, she or they may appeal to the next court of common pleas, to be held for the same county, upon giving security according to law, to prosecute his, her or their appeal with effect. And the said court having taken such order therein, as shall to them appear just and reasonable, the same shall be conclusive and binding all parties.

Appeal of persons aggrieved, to court of common pleas.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 169.

A SUPPLEMENT

To the act erecting the town of Birmingham, in the county of Allegheny, into a borough.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the citizens of the borough of Birmingham, in the county of Allegheny, shall enjoy all the rights, privileges and immunities and be subject to all the liabilities of a separate township, and from and after the first Monday of May next, it shall be lawful for the citizens of said borough, to elect their borough officers on the second Tuesday of January, annually, and any thing in the act to which this is a supplement, which is hereby altered or supplied, is repealed.

Separation from township.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 170.

AN ACT

To alter the boundaries of the borough of Jersey Shore, in the county of Lycoming.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the Boundaries of the borough of Jersey Shore, in the county of now established. Lycoming, shall be as follows: beginning on the west branch of the Susquehanna river, at low water mark, at the corner of land of Richard Webb and Jacob W. Pfouts; thence along the line of Richard Webb and Jacob W. Pfouts, and land of Thomas Calvert north eighty-one degrees, west eighty-four perches, to a post, a corner of William B. Smith; thence along the same, north thirteen degrees, east forty-two perches, to a post, a corner of Abraham Lawshe's lot; thence along the same, north seventy-seven degrees, west twenty-six perches, to a post; thence along the same, north thirteen degrees, east thirty perches, to a public road, leading to the house of James Nichols; thence along lands of Abraham Lawshe and James Wilson, north eighteen degrees, east thirty-nine perches, to a post on the line of John Slonecker; thence along the same, south seventy-two degrees, east thirty-four perches, to a post; thence over lands of the said John Slonecker, north seventeen degrees, east sixty-one perches, to a post on the line of Robert Maffet; thence over land of Robert Maffet, south sixty-six degrees, east thirty-three perches, to low water mark; thence up the river, the several courses and distances thereof, to the place of beginning.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of the several acts incorporating the borough of Jersey Shore, and extending the boundaries thereof, as are hereby altered or supplied, be and the same is hereby repealed. Repealing clause.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 171.

AN ACT

For the relief of John Santee, a soldier of the revolution.

\$40 gratuity
granted.

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer be, and he is hereby authorized and required, to pay to John Santee, of Northampton county, a soldier of the revolutionary war, or to his order, forty dollars, immediately, as a gratuity and compensation for his revolutionary services.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 172.

AN ACT

For the relief of Robert Wright, a soldier of the revolutionary war.

\$40 gratuity
granted.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer be and he is hereby authorized and required, to pay to Robert Wright, of Cumberland county, a soldier of the revolution, or his order, forty dollars immediately, as a gratuity and compensation in full, for his revolutionary services.*

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 173.

AN ACT

Authorising the Governor to incorporate the Philadelphia and Delaware county, and Southwark Rail-road companies.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Patterson, Jonas Preston, Peter Hill, David Johns, Richard Hill Morris, John W. Odenheimer, Evans Rogers, and William J. Leiper, George M. Hickling, Henry Korn, James Page, John H. Palethorp, Thomas Cave, of the city of Philadelphia; Benjamin Serrill, Benjamin Peirson, Thomas Smith, Preston Eyre, George G. Leiper, Joseph Engle, Samuel Edwards, and Archibald T. Dick, John K. Zealin, Joseph M. G. Lescure, Henry Myers, William Amies, David Lyons, John Hinkson, of the county of Delaware, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they or any three of them, shall procure a sufficient number of suitable books, and in each of them enter as follows: "We, and each of us, whose names are hereunto subscribed, do promise to pay to the directors of the Philadelphia and Delaware county rail-road company, the sum of fifty dollars, for every share of stock, set opposite to our respective names, and by us respectively subscribed, in such manner and proportions, and at such times and places, as shall be determined and directed by the said directors, in pursuance of an act, entitled "An act authorising the Governor to incorporate the Philadelphia and Delaware county rail-road company:" Witness our hands the day of in the year of our Lord, one thousand eight hundred and thirty ;" and shall thereupon give at least twenty days previous public notice, in the newspapers printed in the county of Delaware, and in two of the daily papers, printed in the city of Philadelphia, of the times when, and places where some one or more of the aforementioned commissioners will attend, and receive subscriptions from all persons of lawful age, who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of three days, or until there shall be subscribed in the said books four thousand shares; and if at the expiration of three days, the books aforesaid, shall not have the number of shares aforesaid, therein subscribed, then the said commissioners at their discretion, may adjourn from time to time, and transfer the books elsewhere, until the whole number of shares aforesaid

Form of subscription.
\$50 per share.

Whole No. of shares 4000.

shall be subscribed, of which adjournment and transfer, the commissioners aforesaid, shall give such public notice, as the occasion may to them seem to require, but no subscription shall be valid, unless the person so subscribing, shall pay to the said commissioners at the time of making the same, the sum of five dollars on each share, for the use of the company.

\$5 to be paid
on each share
when taken.

Apportion-
ment in case
of excess.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if more than four thousand shares shall be subscribed in the time specified in the first section, to the capital stock of the said company, the said commissioners or a majority of them, shall reduce the subscription to four thousand shares, by striking off from the largest number of shares in succession, until the subscriptions shall be reduced to four thousand shares, or each of the subscriptions to one share, and if there shall be still an excess, then lots shall be drawn by the commissioners, to determine who shall be excluded.

When 2000
shares are
subscribed
Governor
may incorpo-
rate.

SECT. 3. *And be it further enacted by the authority aforesaid,* That when two thousand shares, or more shall be actually subscribed, and five dollars on each share paid to said commissioners, the said commissioners or a majority of them, shall certify the same under oath or affirmation, to the Governor of this commonwealth, and on the receipt of such certificate, the Governor shall by letters patent, under his hand, and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of shares aforesaid, into a body corporate and politic, in deed and in law, by the name, style and title of "The Philadelphia and Delaware county rail-road company;" and by the same name the subscribers shall have perpetual succession, and all the privileges, franchises and immunities, incident to a corporation, may sue and be sued, implead and be impleaded, in all courts of record and elsewhere, may purchase, receive, have, hold and enjoy to them and their successors, and assigns, lands, tenements and hereditaments, goods, chattels, and all estate, real, personal and mixed, of what kind or quality soever, and the same from time to time may sell, mortgage, grant, alien and dispose of, and to make dividends of such portions of the profits as they may deem proper, and also may make and have a common seal, and the same alter or renew at pleasure, and generally may do all and singular, the matters and things, which to them it shall lawfully appertain, to do for the well being of the said corporation, and the due management and ordering of the affairs and business of the same: *Provided,* That nothing herein contained, shall be so considered and construed, as giving to the said corporation, any banking privileges, or any other liberties, privileges or franchises, but such as may be necessary, or incident to making and maintaining the said

Style.

Privileges
and liabilities

Proviso.
Debarred
from other
privileges.

rail road, and to the conveyance of passengers and the transportation of goods, merchandise and commodities thereon.

SECT. 4. *And be it further enacted by the authority aforesaid,* That for the management of the affairs of the said corporation, seven directors shall be elected, by ballot, annually, by the stockholders of the said company, the votes to be delivered in person or by proxy duly authorised; which directors shall appoint one of their own number to be president, and shall respectively serve one year, or until other directors be elected, and shall have power to make such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States, and of this commonwealth, as may be necessary for the well ordering of the affairs of the said company: *Provided,* That none but stockholders shall be eligible to be elected directors, and that at every such election, and in all other cases in which the stockholders shall be called upon to vote, each share of stock shall be entitled to one vote; and also, that in all cases of elections for directors, the seven stockholders having the greatest number of votes, shall be declared duly elected.

Seven directors and president.

Their duties.

Proviso.
One vote each share, &c.

Circumstances under which stockholders cannot vote.

Votes by proxy.

SECT. 5. *And be it further enacted by the authority aforesaid,* That no share of stock shall be entitled to a right of suffrage, which shall not have been held three calendar months, prior to the day of election, nor unless it shall be held by the persons in whose name it appears absolutely and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation, or society of which he or she may be a member, and not in trust for the use and benefit of any other person; that no share or shares, held by transfer, shall be entitled to vote, unless the same shall have been transferred at least three months before the election, and no share or shares shall be entitled to vote at any election, or at any general or special meeting of the said company, on which any instalment or arrearages may have been due and payable, more than twenty days previously to the said election or meeting; and that all votes, by proxy, shall be upon such terms and conditions as are prescribed by the act passed the twenty eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies." *Provided,* That all proxies shall be dated within sixty days of the election at which the same shall be presented.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the aforesaid commissioners, or a majority of them, shall, as soon as practicable, after the said letters patent shall have been obtained, give at least fifteen days previous public notice, in the newspapers hereinbefore mentioned, of the time and place by them appointed, for the subscri-

First and annual election for officers.

Proviso.
Vacancies
from any
cause how
supplied.

bers or stockholders to meet, for the purpose of electing seven directors, as provided for in the preceding sections; and that annually thereafter, the said stockholders shall meet on the third Monday in January, for the purpose of electing directors as aforesaid, upon a like previous notice, to be given by the directors for the time being, in such newspapers as they may deem advisable: *Provided*, That if, from any cause, such election shall not be held at the time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election be held, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election: *And provided also*, That in case of any vacancy, from death or resignation of any director, his place shall be filled by the board of directors.

General pow-
ers of direc-
tors.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the said directors shall meet at such times and places, and be convened in such manner, as they may hereafter agree upon; four directors shall be a quorum for the transaction of business, who, in the absence of the president, may appoint a president pro tem. The said directors shall appoint a secretary, treasurer, and such engineers and other officers, as they may find necessary; shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to ascertain and decide the time, manner, and proportions, in which the stockholders shall pay the money due on their respective shares, and to forfeit, to the use of the company, the share or shares of every person failing to pay any instalment so required; to regulate tolls, to make such covenants, contracts, and agreements, with any person, co-partnership, or body politic, whatsoever, as the execution and management of the works, and the convenience and interests of the company may require; and in general to superintend and direct all receipts, disbursements, and other affairs and proceedings of the company.

Stock certifi-
cates.

SECT. 8. *And be it further enacted by the authority aforesaid*, That the directors first chosen, as aforesaid, shall issue a certificate to each stockholder, for the number of the shares he or she shall subscribe for, or hold in the said corporation, signed by the president, countersigned by the treasurer, and sealed with their common seal; subject, however, to all the payments due and to grow due thereon; which stock shall be transferable, in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided by the by-laws.

Transferable.

Annual state-
ment to stock-
holders.

SECT. 9. *And be it further enacted by the authority aforesaid*, That at each annual meeting of the stockholders, the directors of the preceding year, shall exhibit to them a complete statement of the affairs and proceedings of the company for

such year, and that special meetings of the stockholders may be called by order of the directors, or by stockholders, holding one fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of the meeting. but no business shall be transacted at such special meeting, unless a majority in value of the stockholders, shall attend in person or by proxy. Special meet-
ings.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the said company be and they are hereby authorized as soon as they conveniently can, to locate and construct a rail-road, of one or more tracks, from a point at or near the city of Philadelphia, thence along the route of the Baltimore post road, or as near thereto as the ground will admit, making the post towns of Darby and Chester, or their vicinity, points in said road to the Delaware state line, and to make, construct and erect such ware houses, toll houses, carriages, cars and all other works and appendages necessary for the convenience of the said company, in the use of the said rail-road: *Provided,* That where the track of the post road shall be used for said rail-road, the latter shall not be so located as to interfere with the post road. Location of
road.

Proviso.
Not to inter-
fere with post
road.

SECT. 11. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of the said rail-road, doing thereto no unnecessary damage; and when the said route shall be determined by the said company, it shall be lawful for the said company, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of and use such land; and also to take from any land in the neighbourhood, gravel, stone, wood and other materials for the purpose of constructing and maintaining such rail-road, subject however to such compensation as said company may have agreed to pay therefor, or as shall be ascertained in manner hereinafter respectively directed. Right to enter
upon lands to
locate and for
materials.

SECT. 12. *And be it further enacted by the authority aforesaid,* That when the said company cannot agree with the owner or owners of such required land for the purchase thereof, or for the damages sustained by such owner or owners, or as to the compensation to be paid to the owner or owners of any sand, gravel, stone, wood or other material taken for the purpose aforesaid, or where by reason of legal incapacity or absence of any such owner or owners, no such agreement or purchase can be made, the court of common pleas for the proper county, on application thereto by or on behalf of either party, and at the costs and charges of said company, shall nominate and appoint twelve discreet and disinterested persons of the said county, and shall issue a precept to the sheriff of the said county, to summon the said twelve persons, to meet on the land so required, or Appraise-
ment of da-
mages.

Appoint-
ment of view-
ers.

from whence the said materials shall or may be taken, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the sheriff upon receiving the said warrant, shall forthwith summon the said twelve persons, and shall give at least eight days notice to the respective parties; and the said sheriff shall attend at the time and place named in the warrant, and when nine or more of the said persons shall have appeared, shall in the case of land so required, administer to each of them an oath or affirmation, "that he will faithfully, justly and impartially value the land occupied or required for such rail-road or other works, and all damages which the owner or owners shall sustain, or may have sustained by reason of the construction of the said rail road and other works, taking into consideration, the advantages as well as the disadvantages of the same to the said owner or owners, according to the best of his skill and judgment; and in case of materials taken for the purpose aforesaid, that he will faithfully, justly and impartially value the materials so taken, and fix the rate of compensation to be paid therefor by the said company to the said owner or owners, taking into consideration the advantages as well as the disadvantages arising from the construction of such rail-road and other works, to the said owner or owners according to the best of his skill and judgment;" whereupon the said persons shall proceed to view the land so required, or the place from whence such materials shall or may be taken, as the case may be, and to hear the evidence of the respective parties, and their verdict signed by the sheriff, and at least seven of the jury shall be returned by the sheriff within five days thereafter to the prothonotary of the said county, who shall file the same; and the said sheriff and persons shall be entitled to the like fees for their respective services, as are allowed to the execution of an order issued by the orphans' court, for the valuation of lands of an intestate, under the intestate laws of this commonwealth.

Their oaths.

Duties.

Verdict.

Fees.

SECT. 13. *And be it further enacted by the authority aforesaid,* That either party shall be at liberty to make exceptions to any verdict rendered according to the provisions of the preceding section, within twenty days after the same shall be returned and filed by the prothonotary as aforesaid; which exceptions shall be heard by the court of common pleas of the proper county, who may either affirm or set aside the same as shall be lawful and right; and if no such exceptions be filed within twenty days, or if any verdict be affirmed, then the verdict shall stand as a judgment against the party against whom it is given, but if any such verdict be set aside by the court, a new precept shall issue to the sheriff, in the manner before specified: *Provided,* That upon the subsequent proceedings, if the party excepting

**Appeal with-
in 20 days.**

**Proviso.
Appellant
may be liable
for costs.**

does not recover a verdict more favourable than the verdict so excepted to and set aside, such party shall pay all costs of such subsequent proceedings.

SECT. 14. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said company, to construct and keep in repair good and sufficient passages across the said rail-road, where any public roads shall intersect and cross the same, so that the passage of carriages, horses, persons and cattle along the said roads shall not be obstructed; and also when the said rail-road shall intersect any farm, to provide and keep in repair a suitable passage for the use of said farm.

Erection and preservation of passages.

SECT. 15. *And be it further enacted by the authority aforesaid,* That on the completion of the said rail-road, the same shall be esteemed a public highway, for the conveyance of passengers and transportation of merchandize and commodities, under such regulations as shall be prescribed by the directors; and it shall and may be lawful for the said company to demand and receive such sum or sums of money for tolls of persons and property, as they shall from time to time think reasonable: *Provided,* That the toll on any species of property, shall not exceed eight cents per ton per mile, nor upon passengers more than four cents each per mile.

Rate of toll.

Limited.

SECT. 16. *And be it further enacted by the authority aforesaid,* That if any owner or driver of any car, carriage, wagon or conveyance upon the said rail-road, shall pass by any place appointed for receiving tolls without making payment thereof, with intent to defraud the said company, he, she or they so offending shall forfeit and pay for every such offence for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace in like manner, and subject to the same rules and regulations as debts under one hundred dollars may be sued for, and recovered together with costs of suit.

Penalty on passing toll house without paying.

How recovered.

SECT. 17. *And be it further enacted by the authority aforesaid,* That dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared at least twice a year, and paid to the stockholders or their legal representatives, on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; and if the said directors shall make any dividends which shall impair the capital stock of the said company, those of them consenting thereto, shall be liable in their individual capacities to the said company, for the amount of the stock so divided; and each director present, when such dividend shall be made, shall be judged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice thereof to the stock-

Semi-annual declaration of dividend.

Not to impair capital.

Directors may be liable.

Dividend and
contingent
fund limited.

holders at the declaring such dividend, nor shall any dividend exceed twelve per cent per annum, nor shall the contingent fund of said company at any time exceed one-fourth of their capital stock.

Suits must
commence
within 1 year.

SECT. 18. *And be it further enacted by the authority aforesaid,* That no suit or action shall be brought or prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within one year, next after the offence shall have been committed, or the cause of action shall have accrued; and the defendant or defendants, in such suit or action, may plead the general issue, and give this act and the special matter in evidence; and that the same was done in pursuance and by authority of this act.

Penalty on
wilful injury
to property of
company.

SECT. 19. *And be it further enacted by the authority aforesaid,* That if any person or persons, shall wilfully and knowingly break, injure, or destroy the rail-road, or any part thereof, or any work, edifice, or device, or any part thereof, to be erected by the said company, in pursuance of this act, or shall in any manner obstruct the free passage along the said rail-road, he, she, or they, shall forfeit and pay to the said company, the actual damage thereby sustained, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of the company.

To complete
within ten
years.

SECT. 20. *And be it further enacted by the authority aforesaid,* That if the said company shall not carry into effect the objects of their charter, within the term of ten years from the passing of this act, or if, after the completion of the said rail-road, the said corporation shall suffer the same to go to decay, and be impassable, for the term of two years, then this charter shall become null and void, so far as compels said company to make reparation for damages.

Right to re-
sume privi-
leges.

SECT. 21. *And be it further enacted by the authority aforesaid,* That if said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume all the rights and privileges of said company.

Commission-
ers appointed
to open books
for the South-
wark compa-
ny.

SECT. 22. *And be it further enacted by the authority aforesaid,* That Thomas D. Grover, John Pierce, James M. Cann, William G. Alexander, Joseph Burden, Philip Peltz, F. A. Raybold, Joseph Solms, George M. Hickling, and John Crean, are hereby appointed commissioners, who may fill any vacancy occurring in their body, who are hereby authorised to receive subscriptions to a company, to be known by the name and style of the "Southwark rail-road company;" the amount of stock of said company not to exceed two hundred thousand dollars, at fifty dollars a share; the company to be subject to all the restrictions, and entitled to all the provisions and privileges, contained in the preceding sections of this act; and when one thousand shares, or more,

Capital-
\$200,000.
\$50 per share.
To be incor-
porated under
preceding
sections.

shall be actually subscribed, and five dollars on each share When 1000 paid to said commissioners, and a certificate thereon shall shares are have been made, under oath or affirmation, to the Governor, taken and \$5 he shall, by letters patent, under his hand and seal of the paid on each, commonwealth, create and erect the subscribers into a body charter to corporate and politic, in deed and in law, by the name and issue. style of the "Southwark rail-road company;" who are here-Style. by authorised to construct a rail-road, of one or more tracks, Location. from the river Delaware, in the district of Southwark, and thence through the county of Philadelphia to Broad and Cedar-streets, in such direction as they shall deem best to connect with the termination of the city rail-road: *Provided*, Proviso. That said company shall be, and are hereby empowered, to construct a rail road from Broad-street, in the county of Philadelphia, to the river Schuylkill.

SECT. 23. *And be it further enacted by the authority afore-* said, That the president or secretary of the said companies, Annual state- shall, annually on the first Monday in December, transmit ment to Au- to the Auditor General, a full statement of the affairs, under ditor General. oath, of the said companies; and shall pay annually into the treasury of the commonwealth, a tax of eight per centum, on all dividends which may exceed six per centum on the capi- Tax on divi- tal stock actually paid in. dends.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 174.

AN ACT

To incorporate the Swatara and Good Spring creek rail-road company.

SECT. 1. *Be it enacted by the Senate and House of Repre-* sentatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That G. M. Eldridge, and Isaac Starr, of the city of Philadelphia; Isaac Eckert, of Berks county; Christian Ley, Commission- ers to open of Lebanon county; Marcus Cauffman, and Simon Ulman, of books, &c. Pinegrove, in the county of Schuylkill, or any two of them,

Form of sub-
scription.

\$50 per share.

Whole No.
360 shares.

Proviso.
No. limited
1st and 2d
days.

When 150
shares are
taken and \$5
paid on each
share, sub-
scribers to be
incorporated.

be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they shall on or before the first Monday of May next, procure three books, one of which shall be opened at the Coffee House, in the city of Philadelphia; one at the house of Thomas Kepple, in Reading, Berks county; and one at the house of Henry W. Conrad, in Pinegrove, Schuylkill county; in each of which they shall enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Swatara and Good Spring creek rail-road company, the sum of fifty dollars for every share of stock, set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to incorporate the Swatara and Good Spring creek rail-road company:" Witness our hands the day of in the year of our Lord one thousand eight hundred and ;" and shall thereupon give notice in one paper printed in the counties of Berks and Schuylkill, and in the city of Philadelphia, two weeks at least of the times and places, when and where the said books shall be kept open, and receive subscriptions for the stock of the said company; at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the said books, in their own names or in the name of any other person, who shall authorise the same for shares in the said stock; and the said books shall be kept open respectively for the said purpose, at least six hours in every juridical day, for the space of six days, or until there shall have been subscribed, three hundred and sixty shares, and if at the expiration of six days the books aforesaid, shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of three hundred and sixty shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid, shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided*, That no person be permitted to subscribe for more than five shares on the first day, and not more than five shares on the second day; after which any person may subscribe for any number of shares, until the whole of the stock be taken.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when one hundred and fifty shares, or more of the said stock shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners or a majority of them, may certify to the Governor, under their hands and seals, the

names of the subscribers, and the number of shares subscribed by each, whereupon the governor shall by letters patent, under his hand and seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of the Swatara and Good Spring creek rail-road company, and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, and all estate, real, personal or mixed, of what kind or quality soever, and the same from time to time, to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits, as they may deem proper, and also to make and have a common seal, and the same to alter or renew at pleasure, and also to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall appear necessary and convenient, for the government of the said corporation, not being contrary to the constitution and laws of the United States, or of this commonwealth; and generally to do all and singular, the matters and things, which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained, shall be considered as in any way giving to the said corporation, any mining, trading, transporting or banking privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident, to the making of the said rail-road: *Provided further*, That the said company shall at no time hold or possess any coal land, for the purpose of carrying on the coal trade.

Style.

Privileges and liabilities

Proviso. Debarred from certain privileges.

Location of rail-road.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the president, managers and company, of the said rail-road company, shall have power to survey, lay down, ascertain, mark and fix, such route as they shall deem expedient, for a single or double track rail-road, from the northern end of the Union canal company's rail-road, up the Swatara river, to its junction with the Good Spring creek, and thence up the said Good Spring creek, to a point most suitable in the heart of the coal region, in the county of Schuylkill, having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience, and the interest or the stockholders, and so as to do the least damage to private property; and the said road shall not be more than sixty feet wide, and shall not pass through any burying ground, nor place of public worship, nor any dwelling house, without the consent of the owner thereof, nor shall it pass

Proviso:

through any out building of the value of three hundred dollars, without such consent: *Provided*, That the said rail-road shall be made single or double, so as to accommodate the trade ascending, as well as descending the same.

21 sections of
Lorberry
creek compa-
ny applied to
his company

SECT. 4. *And be it further enacted by the authority aforesaid*, That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth sections, of "An act to incorporate the Lorberry creek rail-road company," be and they are hereby re-enacted, as applicable to and binding upon the company hereby incorporated.

Annual re-
port to Audi-
tor General.

Tax on divi-
dends.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the president or secretary of the said company, shall annually on the first Monday of December, transmit to the Auditor General, a full statement under oath of the said company, and that the said company shall pay to the commonwealth, a tax of eight per centum on all dividends, which may exceed six per centum on the capital stock actually paid.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 175.

AN ACT

To incorporate the Roush creek rail-road company.

Commission-
ers appointed
to open books.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Nathan Bunker and Jacob Mayland, of the city of Philadelphia, Daniel D. B. Keim and Peter Eckert, of Berks county, Samuel Hain and William Graeff, of the county of Schuylkill, or any two of them, be, and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first Monday of May next, procure three books, one of which shall be opened at the coffee house, in the city of Philadelphia, one at the house of Thomas Kep-

ple, in Reading, Berks county, and one at the house of Henry W. Conrad, in Pinegrove, Schuylkill county, in each of which they shall enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Roush creek rail-road company, the sum of fifty dollars, for every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate the Roush creek rail-road company.' Witness our hands, the day of , in the year of our Lord, one thousand eight hundred and thirty ;" and shall thereupon give notice, in one newspaper printed in the counties of Berks and Schuylkill, and city of Philadelphia, two weeks at least, of the times and places, when and where, the said books shall be kept open, to receive subscriptions for the stock of said company; at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age, who shall offer, to subscribe in the said books, in their own names, or in the name of any other person who shall authorise the same, for shares in said stock; and the said books shall be kept open respectively for the said purpose, at least six hours in every juridical day, for the space of six days, or until there shall have been subscribed two hundred and forty shares; and if, at the expiration of six days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of two hundred and forty shares shall be subscribed; of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided*, That no person shall be permitted to subscribe for more than five shares on the first day, and not more than five shares on the second day, after which any person may subscribe for any number of shares, until the whole of the stock is taken.

Form of subscription.
\$50 per share.
Notice.
Whole No. of shares 240.
Proviso.
No. limited
1st and 2d days.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when one hundred shares, or more, of the said stock shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners, or a majority of them, may certify to the Governor under their hands and seals, the names of the subscribers, and the number of shares subscribed by each; whereupon, the Governor shall, by letters patent, under his hand and seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then, also, those who shall thereafter subscribe, to the number of shares as aforesaid, into a body

When 100 shares are taken and \$5 paid on each Governor to incorporate.

Style. politic and corporate, in deed and in law, by the name, style and title, of the "Roush creek rail-road company;" and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, land, tenements and hereditaments, goods, chattels, and all estate, real, personal or mixed, of what kind or quality soever; and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portions of the profits as they may deem proper; and also to make and have a common seal, and the same to alter or renew at pleasure; and also to ordain, establish, and put in execution, such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States, or of this commonwealth; and generally to do all and singular the matters and things, which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained, shall be considered as in any way giving to the said corporation, any mining, trading, transporting, or banking privileges, whatsoever; or any other liberties, privileges or franchises, but such as may be necessary or incident to the making of the said rail-road: *Provided further*, That the said company shall at no time hold or possess any coal land, for the purpose of carrying on the coal trade.

Privileges and liabilities

Seal.

Proviso. Debarred from certain privileges.

Location of rail-road.

Proviso. Two tracks.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the president, managers and company, of the said rail road company, shall have power to survey, lay down, ascertain, mark and fix, such route as they shall deem expedient for a single or double rail-road, from the northern end of the Union canal company's rail-road, up Roush creek, to a point near its source most suitable, in the heart of the coal region, in the county of Schuylkill; having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience, and the interest of the stockholders, and so as to do the least damage to private property; and the said road shall not be more than sixty feet wide, and shall not pass through any burying ground nor place of public worship, nor any dwelling house, without the consent of the owner thereof; nor shall it pass through any outbuildings of the value of three hundred dollars, without such consent: *Provided*, That the said rail-road shall be made single or double, so as to accommodate the trade ascending, as well as descending the same.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, thirteenth, fourteenth, fifteenth, sixteenth,

seventeenth, eighteenth, nineteenth, twentieth, twenty-first, 21 sections of twenty-second, twenty-third, and twenty-fourth sections of Lorberry the "Act to incorporate the Lorberry creek rail-road com- creek compa-pany," be, and they are hereby re-enacted, as applicable to, ny binding on this. and binding upon the company hereby incorporated.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president or secretary of the said company, shall, Annual re-annually on the first Monday of December, transmit to the port. to Audi-Auditor General, a full statement, under oath, of the said tor General. company; and that the said company shall pay, to the com-monwealth, a tax of eight per centum on all dividends Tax on divi-which may exceed six per centum on the capital stock ac-ends. tually paid.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 176.

AN ACT

To incorporate the trustees of the township and borough of Wilkesbarre, the trustees of the township of Plymouth, and the trustees of the township of Hanover, in the county of Luzerne.

WHEREAS, the original proprietors of the townships of Preamble. Wilkesbarre, Plymouth, and Hanover, of the seventeen townships, in the county of Luzerne, surveyed and laid out certain lots of land in said townships, and appropriated the same to the religious, literary and charitable uses of the said townships; and since the year one thousand eight hundred committees have annually been appointed by the resident, proprietors of the respective townships, to take care of and lease the said lots of land: *And whereas*, the commissioners appointed under the act offering compensation to Pennsylvania claimants, passed the fourth day of April, one thousand seven hundred and ninety-nine, and the supplements thereto, issued certificates to the committees for the time being for the said lots in trust for the use of the proprietors of said townships, and the annual commit-

tees have from time to time sold and conveyed and let upon leases for a long term of years, great part of said lots, reserving rents for the use of the said proprietors; but inasmuch as the said committee were not vested with the legal titles, the sales and leases made by them are invalid: *And whereas*, the rents and debts due to the respective proprietors have increased to a considerable amount, and cannot be recovered unless an act of incorporation be granted to the said proprietors, they have therefore prayed, that the sales and leases made by the committees as aforesaid, may be confirmed, and that an act of incorporation may be granted them by the legislature: Therefore,

Confirmation of certain leases and sales.

Proviso. Certain case excepted.

2d proviso. This act not to affect suit against C. Mensch.

Owners of lands in certain townships to elect trustees.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all leases, sales and contracts heretofore made by the committees of the proprietors of the respective townships of Wilkesbarre, Plymouth and Hanover, of and concerning lands originally appropriated to the public use of the said townships, except as hereinafter mentioned, be and the same are hereby confirmed as fully and amply as though the said several committees had been vested with the legal title, at the time of making such leases, sales and contracts: *Provided*, That nothing in this act contained shall be construed to confirm any lease, sale or contract heretofore made by any committee or committees, of the township of Wilkesbarre, to or with any person or persons of or concerning a certain piece or parcel of land with the appurtenances, situate in said township of Wilkesbarre, at the mouth of Mill creek, and extending up the same on both sides of said creek, a certificate for which issued to George Haines, under the compromising laws, relating to the seventeen townships of Luzerne county: *And provided also*, That nothing in this act contained, shall in any way affect the proceedings, in or the final determination of the present suit, now pending against Christian Mensch, for the recovery of the purchase money of a tract of land, containing about thirty-four acres, formerly sold by the committee of the proprietors of the township of Hanover aforesaid, and afterwards purchased by said Christian Mensch.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inhabitants of each of the certified townships of Wilkesbarre, Plymouth and Hanover, in the county of Luzerne, being owners of land within the same, and all who shall hereafter inhabit and own land within the said townships, including the borough of Wilkesbarre, are hereby authorised to meet on the first Saturday in May next, and on the last Saturday of April, in each and every year thereafter, at the place of holding the general elections in the re-

spective townships, then and there, between the hours of twelve o'clock at noon, and six o'clock in the afternoon, to elect by ballot, a treasurer, a secretary and three persons as trustees for the borough and township of Wilkesbarre, three for the township of Hanover, and three for the township of Plymouth, respectively; two of the persons last in office in said corporations; or in case of their absence, two reputable citizens shall act as judges of said elections, who shall first be duly sworn or affirmed before a justice of the peace, to conduct the said election with impartiality and fidelity; and the persons having the highest number of votes for the respective offices, shall be declared duly elected, when the said treasurer, secretary and three trustees shall respectively constitute a body corporate and politic, in law and in fact, the first by the name and style of "the proprietors of the borough and township of Wilkesbarre;" the second by the name and style of "the proprietors of Hanover," and the third by the name and style of "the proprietors of Plymouth;" and by the said respective names shall have perpetual succession, and all the privileges and franchises of corporations; and shall be able and capable in law of purchasing, taking and holding to them and their successors, to the use of the proprietors of the respective townships, including the borough of Wilkesbarre, lands, tenements and hereditaments, real, personal and mixed, and of selling, transferring and conveying the same, in fee simple, or for any less estate, and of suing and being sued, pleading and being impleaded, and of doing any other act, matter or thing which a body corporate and politic may lawfully do: *Provided*, That neither of the said corporations shall not at any one time, hold property exceeding in value ten thousand dollars.

Manner of
conducting
election.

Trustees of
respective
townships in-
corporated.
Titles.

Privileges
and liabilities

Proviso.
Value of pro-
perty limited.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said respective treasurers, secretaries and trustees shall transact the business of the said corporations, and shall continue in office one year, or until others shall be elected or appointed; and notice of the time and place of holding the annual elections shall be given by each treasurer and secretary or either trustee, at least six days previous to the days fixed by the second section of this act, by advertisements set up in at least three of the most public places in the respective townships; and in case of the death, resignation or removal from the townships of either of said officers, said vacancy may be supplied by the persons then in office, until the next annual election, as prescribed in the second section of this act; and special meetings of the inhabitants of said townships and borough as aforesaid, may be held as often as occasion may require, upon notice given as aforesaid: *Provided*, That in case of the death, removal, resignation or refusal to act after being elected of all, or any of the members of either of the said corporations, the privileges,

Vacancies
how supplied.

Proviso.

powers and franchises hereby granted shall not lapse or become void; but whenever persons shall be elected as herein provided to fill said offices, all the said powers, privileges or franchises of said corporations shall revest in the persons so elected.

Duties of trustees.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all leases, conveyances or other instruments of writing, to be binding on said corporations, shall be signed and sealed by the trustees respectively, for the time, being or by a majority thereof; but the said trustees shall never appropriate to any purpose, nor expend more than the clear yearly income of lands and tenements, debts or other personal estate belonging to the said corporations, without a resolution of a majority of the proprietors of the said townships and borough, who may meet upon notice as aforesaid.

Property hereafter to vest in corporations.

SECT. 5. *And be it further enacted by the authority aforesaid,* That immediately after the passage of this act, the interests in all lands, tenements and hereditaments, real and personal, and in all debts, dues and demands of whatsoever name or nature, which shall belong to the proprietors of the said certified townships of Wilkesbarre, Plymouth and Hanover, or which may be vested in any committee or committees, or any person or persons, for the use of the said proprietors, shall vest in the said corporations respectively.

Present committees of respective townships vested with powers of trustees until election.

SECT. 6. *And be it further enacted by the authority aforesaid,* That until the election of officers of the respective corporations, Eleazer Blackman, Hezekiah Parsons and Anderson Dana, the present committees of the borough and township of Wilkesbarre; Freeman Thomas, Calvin Wadhams and Benjamin Reynolds, the present committees of the township of Plymouth; and Samuel Jameson, John Moyer and Joseph Huntington, the present committee of the township of Hanover, shall respectively be vested with the powers of trustees under this act, and any suit or suits, except the aforesaid suit against Christian Mensch, already commenced, by any committee or committees of either of said townships, may be prosecuted to a final determination; and all judgments already obtained may be recovered by and for the use and at the expense of the respective corporations.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED--The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 177.

AN ACT

Declaring Big Sugar creek, in Venango county, and Muddy creek, in Crawford county, public highways.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, Big Sugar creek, in Venango county, from the mouth thereof, and up the said stream, as far as the mouth of Proper's run, and Muddy creek, in the county of Crawford, from the mouth of Hutchin's run, up said creek, so far as the east line of donation tract, number one hundred and twenty-one, of five hundred acres, be and the same are hereby declared public highways, and it shall and may be lawful for any person or persons desirous of improving, or using the navigation of said streams to remove thereout, all obstructions, except mill dams already built, on which dams any such person or persons as aforesaid, shall have full power to make slopes, such as are hereinafter described, and to keep the same in repair for the passage of boats, rafts, and other crafts: *Provided, Proviso,* Such slopes shall not injure said dams.

SECT. 2. *And be it further enacted by the authority aforesaid,* That nothing contained in this act, shall be deemed, taken or understood to prevent any person or persons, owning or possessing lands, on or adjoining said creeks, who, independent of the passage of this act, would have a right, under the general laws of this commonwealth, to erect a dam or dams across the said streams, from erecting such dam or dams: *Provided nevertheless,* That every such dam or dams, be constructed with a proper slope or slopes, erected in the most convenient parts thereof, so that boats, rafts, and other crafts, may not be obstructed in passing down the said creeks, which slope shall be at least thirty feet wide, and placed so as to be one foot lower than the other parts, of the said dam, the surface of which slope or slopes, shall be composed of wood, or other materials, well compacted together, so that none of the water may be lost in passing down the same, and for every foot said slope or slopes shall be in height, it shall extend fifteen feet down the stream.

Big Sugar creek from the mouth to Proper's run and part of Muddy creek declared high ways.

This act not to interfere with right to erect dams.

Proviso. With slopes of certain dimensions.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 178.

AN ACT

Relative to the Susquehanna and Waterford turnpike road company.

Satisfaction
to be entered
in a certain
judgment.

Proviso.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the attorney for the commonwealth, in the suit of the commonwealth of Pennsylvania against the North Western Bank of Pennsylvania, be, and he is hereby authorised and directed, on credit being given by the North Western Bank of Pennsylvania, on a debt due by the said Susquehanna and Waterford turnpike road company, to the said Bank, for the amount of a judgment obtained by the said commonwealth, in the court of common pleas of Crawford county, against the said bank, for the amount of tax due on dividends declared by said bank, in the year one thousand eight hundred and twenty-one, to enter satisfaction on said payment, for debt and interest due on the same, after deducting counsel fees for services rendered: *Provided,* That the president and managers of said turnpike road company, shall issue certificates of stock to the commonwealth, for the amount of debt and interest of said judgment, transferred as aforesaid.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, A. D. one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 179.

A SUPPLEMENT

To an act incorporating the Chesapeake and Ohio canal company.

Time for
commencing
western sec-
tion extended
one year.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Chesapeake and Ohio canal company, are hereby allowed an additional term of one year, for the purpose of commencing the western section of the said canal, beyond the time specified in the fifth section of the act to

which this is a supplement; and that the charter of said company shall not be forfeited, if, within the time specified in said act, as hereby extended, the said company shall commence the western section of the canal, any clause or restriction in said act to the contrary notwithstanding.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 180.

AN ACT

To incorporate the Cumberland Valley rail-road company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority aforesaid,*

That Samuel Alexander, John Harper, Charles B. Penrose, John M. Woodburn, and Andrew M'Dowell, of Carlisle; Adam Reigle, Henry Ford, Lewis Zearing, of Mechanicsburg, Cumberland county; Jacob M. Haldeman, and John Forster, of Harrisburg, Dauphin county; and Mark Richards, and Jacob F. Pleis, of Philadelphia; or any two of them, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they shall on or before the first day of May next, procure three books, one of which shall be opened in Philadelphia, one in Harrisburg, and one in Carlisle; in each of which they shall enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers, of the Cumberland Valley rail-road company, the sum of fifty dollars, for every share of stock set opposite to our respective names, in such manner and proportions, and at such time as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to incorporate the Cumberland Valley rail-road company;" Witness our hands this day of in the year of our Lord one thou-

Commissioners appointed to open books.

Form of subscription.

\$50 per share.

Notice.

sand eight hundred and ;" and shall thereupon give notice in one newspaper, printed in the city of Philadelphia, one in Harrisburg, and one in Carlisle, for two weeks at least of the times and places, when and where the said books shall be kept open, to receive subscriptions for the stock of the said company, at which respective times and places, one or more of the commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the said books, or in their own names or the name of any other person, who shall authorise the same for shares in said stock; and the said books shall be kept open respectively for the said purpose, at least six hours, in each juridical day, for the space of six days, or until there shall have been subscribed fifteen hundred shares; and if at the expiration of six days, the books aforesaid, shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of four thousand shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice, as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed.

Whole No. of shares 4000.

When 1500 shares are taken and \$5 paid on each, Governor may issue letters patent.

SECT. 2. And be it further enacted by the authority aforesaid, That when fifteen hundred shares or more of the stock shall be subscribed, and the sum of five dollars paid on each and every share, the commissioners or a majority of them, may certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the sums paid thereon; whereupon the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe, to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name, style and title of the Cumberland Valley railroad company; and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere; and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels, and all estate, real, personal or mixed, of what kind or quality soever, and the same from time to time, to sell, mortgage, grant, alien or dispose of, and to make dividends of such portion of the profits as they may deem proper; and also to make and have a common seal, and the same to alter or renew at pleasure; and also to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States, or of this commonwealth;

Style.

Privileges and liabilities.

and generally to do all and singular, the matters and things, which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained, shall be considered as in any way giving to the said corporation, any banking, manufacturing or trading privileges whatsoever, or any other liberties, privileges or franchises, but such as may be necessary or incident, to the making and using of the said rail-road: *Provided further*, That the said company, shall at no time hold or possess any land, for any other purpose than the construction of the said rail-road, or for depots, toll houses or other necessary works.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said named persons or a majority of them, shall as soon as conveniently may be, after the said letters patent shall be obtained, give at least twenty days previous notice, in the newspapers hereinbefore mentioned, of the time and place by them appointed, for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained, and bear date within three months previously to the election at which such proxy shall be presented, duly authorised, one president, and twelve managers, all of whom shall be residents of this commonwealth; a treasurer and secretary, and such other officers, as shall be deemed necessary; that the president and managers aforesaid, shall conduct the business of the said company, until the first Monday in October then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as are not inconsistent with the constitution and laws of the United States, or of this state, and that may be necessary for the well governing the affairs of the company.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the stockholders shall meet, on the first Monday of October then next, as aforesaid, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days, by the secretary, in the newspapers before mentioned, and choose, by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act: *Provided*, That the managers shall be elected in the manner following, that is to say: four managers to serve one year, four to serve two years, and four three years; and on the same day in each and every year thereafter, a like election shall take place, when the necessary officers shall be elected, and four managers, to supply the places of those whose time has expired, to continue in office until others are chosen; and the stockholders shall also meet at such other times as they may be summoned

Proviso.
Debarred
from certain
privileges.

Organization.

Election of
president, 12
managers,
treasurer, se-
cretary, &c.
pro tem.

Managers
classified.

Special meet- by the managers, in such manner and form as shall be pre-
ings of stock- scribed by the by-laws; at which annual or special meetings,
holders: they shall have full power and authority to make, alter,
or repeal, by a majority of votes, in manner aforesaid, all
such by-laws, rules, orders, and regulations, as aforesaid;

Ratio of votes
to shares.

to do and perform every other corporate act; and the number
of votes to which each stockholder shall be entitled, shall be
according to the number of shares he or she shall hold, in the
proportions following, that is to say: for each share, not ex-
ceeding two shares, one vote; for every two shares above two,
and not exceeding ten, one vote; for every four shares
above ten, and not exceeding thirty, one vote; for every ten
shares above thirty, and not exceeding one hundred, one vote:
but no share, or number of shares, above one hundred, as afore-
said, shall confer any additional right of voting; and no share
shall confer a right of suffrage, which shall not have been hold-
en three calendar months prior to the day of election; nor
unless it be holden by the person in whose name it appears ab-
solutely and bona fide, in his own right, or in that of his wife,
or for his or her sole use and benefit, or as executor or ad-
minis'rator, trustee or guardian, or in the right, and for the
use and benefit of some co-partnership, corporation, or so-
ciety, of which he or she may be a member; and not in trust
for, and to the use and benefit of any other person: *Provi-
ded*, That no person shall be permitted to vote at the first
election of said company, unless he or she has fully paid
five dollars on each share of stock by him or her subscribed,
as directed by the second section of this act; and at all subse-
quent elections of said company, no person shall be permit-
ted to vote, unless he or she shall have fully paid all the
instalments called for, and then due, on the shares by him or
her subscribed: *Provided*, That no shares held by transfer,
shall be entitled to vote, unless the same shall have been
transferred at least three months before the election; and all
votes, by proxy, shall be on such terms and conditions, as are
prescribed by the act passed on the twenty-eighth day of
March, in the year of our Lord one thousand eight hundred
and twenty, entitled "An act to regulate proxies."

Proviso.
Delinquents
not to vote.

2d proviso.
Transferred
shares and
votes by
proxy.

Arrange-
ments for go-
vernment of
elections.

SECT 5. *And be it further enacted by the authority aforesaid*,
That the election of officers, provided for in the fourth sec-
tion of this act, shall be conducted in the following manner,
that is to say: the managers, for the time being, shall appoint
two of the stockholders, not being managers, to be judges
of the said election, and to conduct the same, after having
severally taken and subscribed an oath or affirmation, before
a judge or justice of the peace, well and truly, and ac-
cording to law, to conduct such election to the best of their
knowledge and abilities; and the said judges shall decide
upon the qualifications of the voters, and when the election
is closed, shall count the votes and declare who has been

electd; and if it shall at any time happen that an election of president, managers, treasurer, secretary or other officer shall not be made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and make such election of president, managers, treasurer, secretary, or other officers, on the same day or any other day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding said election, and they are hereby required so to do, at least once in every twenty days, till the requisite officers are chosen; and the president, managers, treasurer, secretary, and other officers of the preceding year, shall in that case continue to act, and be invested with all powers belonging to their respective situations, until an election shall take place; in the case of death, resignation or removal from the state, of any president, manager, treasurer, secretary or other officer, his place shall be filled by the board of managers, until the next annual election.

Vacancies from any cause how supplied.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said president and managers, shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, seven shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book; and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions, in which the said stockholders shall pay the monies due on their respective shares, to draw orders on the treasurer for monies, which orders shall be signed by the president, or in his absence by a majority of the managers present, and countersigned by the secretary; and generally to do all such other acts, matters and things, as by this act and by the by laws and regulations of the company they are authorised to do.

Meetings and general powers of president and managers.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the president and managers first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation to each person, for such share or shares by him subscribed and held, which certificate or evidence of stock shall be transferable at his pleasure, in person, or by attorney duly authorised, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however to all payments due or to become due thereon; and the assignee holding any certificate,

Certificates of stock.

How transferred.

having first caused the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to a share or shares, as is therein mentioned, of the capital stock, of all the estates and emoluments of the company, incident to such share or shares; and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

Rights of
assignees.

Penalty on
failure to pay
instalments.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall in addition to the instalment so called for, pay at the rate of two per centum per month, for the delay of such payment; and if the same and additional penalty shall remain unpaid, for such space of time as that the accumulated penalty shall become equal to the sums before paid in part, and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same, or in default of payment by any stockholder, of any such instalment as aforesaid, the president and managers may at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid: *Provided,* That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares an instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Proceedings
thereon,

Proviso.
Delinquents
not to vote.

Bond of trea-
surer, &c.

Proviso.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company shall demand and require of, and from the treasurer, and all and every other the officers and other persons by them employed, bond, in sufficient penalty, and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them or any of them respectively committed: *Provided,* That no one officer of said corporation, shall at any time be accepted as security for another.

Semi-annual
declaration of
dividends.

SECT. 10. *And be it further enacted by the authority aforesaid,* That dividends of so much of the profits of the institution, as shall appear advisable to the managers, shall be declared at least twice a year, in every year, and paid to the

stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the nett profits, actually acquired by the company, so that the capital stock shall never be thereby impaired; and if the said managers shall make any dividend, which shall impair the capital stock of said institution, the managers consenting thereto shall be liable in their individual capacities to said company for the amount of the stock so divided, and each manager present when such dividend is made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend: *Provided*, No dividends shall exceed twelve per cent. per annum.

Not to impair capital.
Liability of directors.

Dividend limited.

SECT. 11. *And be it further enacted by the authority aforesaid*, That when actual operations shall have been commenced, and at the end of every year thereafter, there shall be furnished to the legislature, an abstract of the account of the company, showing the whole amount of their capital actually paid into the funds of the company, the sums expended, the tolls and other profits accruing within the year, and the amount of dividend declared within each year, or the losses sustained, as the case may be, which abstract shall be verified by the oath or affirmation of the president for the time being.

Annual abstract of accounts to be made to legislature under oath.

SECT. 12. *And be it further enacted by the authority aforesaid*, That the president, managers and company of the said rail-road company, shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for said rail-road, and the same to alter or change before completion, beginning at the borough of Carlisle, in the county of Cumberland, and passing through said county by the nearest and best route, to a point on the Susquehanna river, at or near the borough of Harrisburg, within the same; having due regard to the situation and nature of the ground, and of the buildings thereon, the public convenience and the interests of the stockholders, and so as to do the least damage to private property; and the said road shall not be more than five rods wide, and shall not pass through any burying ground nor place of public worship, or any dwelling house, without the consent of the owner thereof; nor shall it pass through any out buildings of the value of five hundred dollars without such consent; and the said president, managers and company, shall, within six months after the completion of the said rail-road, cause an accurate survey of the lines of the said road to be made, a map or plot of which survey they shall cause to be filed in the secretary's office of this state, and also in the prothonotary's office of said county; which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of the said road,

Location of rail-road.

Not to pass through any houses, &c.

Drafts. Where filed.

which may then be opened; and all the expenses incurred thereby shall be defrayed by said company.

Right to enter upon lands to locate and for materials. SECT. 13. *And be it further enacted by the authority aforesaid.* That it shall be lawful for the said president, managers and company, and their agents and all persons employed by or under them, for the purpose contemplated in this act, to enter upon any land which they shall deem necessary for laying out said road, and also for the purpose of searching for gravel, wood, or other materials for constructing said road; but no stone, sand, gravel or wood, shall be taken away from any land without the consent of the owner thereof, until the rate of compensation for the same be ascertained and paid, which rate of compensation if the parties cannot agree thereon, shall be ascertained in the manner hereinafter prescribed, as to the compensation for lands over which said road may be laid.

Right to erect, establish, &c. SECT. 14. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the company hereby incorporated, to make, erect and establish, a double rail-road, on the route laid out as aforesaid; and they are also hereby empowered to erect, make, and establish all works, edifices, and devices, to such rail-road, as may by the said company be deemed expedient, for the purpose of carrying into effect the objects of their incorporation; and also to contract or agree with the owner or owners, for the purchase of any lands or tenements which may be necessary for the purpose of constructing and using the said rail-road.

Appraise-ment of damages. SECT. 15. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the said president, directors and company, to enter in and upon, and occupy, for the purpose of making said rail-road, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree on the compensation to be made for any injury or supposed injury that may be done to said land by such entry and occupation, it shall and may be lawful for the parties to appoint six suitable and disinterested persons, to estimate such damages, who shall be under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county where the land lies; and the expenses incurred by the said appraisers shall be defrayed by the said rail-road company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment within twenty-days after the requisition for that purpose upon him, or if such owner shall be feme covert, under age, non compos mentis, out of the state, or unknown, then it shall be lawful for the court of

Appointment of 6 viewers.

common pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to appoint six disinterested men of said county, to view, examine, and survey, the said lands, tenements, and hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained as aforesaid, by reason of said rail-road, and report the same, under their oaths or affirmations, to the said court, which report being confirmed by the said court, judgment shall be entered thereon; and the viewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company; and it shall be the duty of the said appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of the said lands, from the said rail-road: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed by the provisions of the arbitration act, of the year eighteen hundred and ten; and upon the coming in of such report, and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sum in such report or judgment specified, in full compensation for said lands, or for the injury sustained as aforesaid, the said company shall become seized of the same estate, in the said lands which the owner held in the same; and they, and all who act under them, shall be acquitted and freed from all responsibility for, and on account of such injury: *Provided*, Upon payment, or tender of payment, by the said company, of the sum specified in the report of said viewers or appraisers, to the owner of said land, the said president and managers of said company, their agents or contractors, for making or repairing the said road, may immediately take and use the same, without awaiting the issue of proceedings as hereinbefore prescribed.

To report under oath.

Fees, &c.

Proviso. Right of appeal.

Payment of award to vest rights.

Proviso. On tender of award of viewers company need not wait issue

Erection and preservation of public causeways.

SECT. 16. *And be it further enacted by the authority aforesaid*, That the said rail-road shall be so constructed by the said company, as not to obstruct or impede the free use and passage of any public road or roads, which may cross or enter at the same, being now laid out, or hereafter to be laid out; and in all places where the said rail-road may cross, or in any way interfere with any public road, it shall be the duty of the said company to make, or cause to be made, a good and sufficient causeway or causeways, to enable all persons passing or travelling such public road, to cross and pass over or under the said railway, which causeway or causeways shall be made and maintained by the said company; and if the said company shall refuse or neglect to

Penalty on neglect.

make such causeway or causeways, or when made, to keep the same in good repair, they shall be liable to pay a penalty of twenty dollars for every day the same shall be neglected or refused to be made or repaired, after having been duly notified thereof, to be recovered by the supervisor of the township, with costs, for the use of the township, as debts of like amount are by law recoverable; and shall, moreover, be liable to an action or actions, at the suit of any person who may be aggrieved thereby.

Private cause ways.

SECT. 17. *And be it further enacted by the authority afore-said,* That for the accommodation of all persons owning or possessing land through which the said rail-road may or shall pass, and to prevent inconveniences to such persons in crossing or passing the same, it shall be the duty of said company, when required, to make, or cause to be made, a good and sufficient causeway or causeways, wherever the same may be necessary to enable the occupant or occupants of said lands to cross or pass over or under the same, with wagons, carts, and implements of husbandry, as the occasion may require: *Provided,* That the said company shall not be required to make, or cause to be made, more than two such causeways through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said rail-road may or shall pass, and where any public road shall cross the said rail-road; and the said causeway or causeways, when so made, shall be maintained and kept in repair by said company; and if said company shall refuse or neglect to make such causeway or causeways, or when made, to keep the same in good repair, when duly notified thereof, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person, in consequence of such refusal or neglect, to be sued for and recovered before any magistrate, or any court having cognizance thereof.

Proviso.
Not more than two for each owner.

Company liable for damages.

Suits must be commenced within six months.

SECT. 18. *And be it further enacted by the authority afore-said,* That no suit or action shall be brought or prosecuted by any person or persons, for penalties incurred under this act, unless said suit or action shall be commenced within six months next after the offence shall have been committed, or the cause of action shall have accrued; and the defendant or defendants in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Connexion with other rail-roads.

SECT. 19. *And be it further enacted by the authority afore-said,* That the company shall not prevent any person or persons, being the owner or owners of land bordering on said rail road, or adjacent thereto, from making such lateral rail roads, and to connect them with said rail-road from their said lands, as the said person or persons may conceive necessary, but so as not to interfere with, or impede the use thereof.

SECT. 20. *And be it further enacted by the authority aforesaid,* That on the completion of the said rail-road, the said company may charge and receive tolls, and for freights in and for the transportation of goods, wares and merchandise, and for the conveyance of passengers, not exceeding the following rates, that is to say: on each ton of produce, minerals or other commodities, not enumerated below, two cents per mile; for boards, plank, scantling or other sawed stuff, reduced to inch measure, two cents per one thousand feet; and for shingles two cents on each fifteen hundred thereof; and all fractions, not less than half a ton shall be considered a ton; and on empty cars or those carrying less than half a ton, one cent each; on all passengers, excepting only such as are necessarily engaged in conducting the cars, three cents each per mile; but no person or persons shall ride, lead, drive or pass along said railway, any horse or horses, cattle or animal of what kind, soever, nor place any car or other carriage thereon, without a permit or license first had and obtained from said company, subject to such rules and regulations as shall from time to time be established by the said company to govern the use of said rail-road: *Provided,* Rates of toll.
That on the completion of one track of a section of five miles of said rail-road the said company shall be at liberty to charge and receive tolls according to the rates aforesaid: *And provided also,* That all persons using the said road, shall only use those cars, wagons and conveyances, which shall be adapted thereto, which said cars, wagons and conveyances, to be used thereon for the transportation of persons or commodities, shall be prescribed by the said company: *And provided further,* That whenever the nett proceeds of the aforesaid tolls shall exceed twelve per cent. on the capital expended, they shall be so reduced as not to exceed that amount. Proviso.
Completion of one track.
2d proviso.
Construction of cars.
3d proviso.
Proceeds not to exceed 12 per cent.

SECT. 21. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully and knowingly break, injure, or destroy the rail-road, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company, in pursuance of this act, he, she or they shall forfeit and pay to the said company the actual damages so sustained, to be sued for and recovered, with cost of suit, in any court having cognizance thereof, by action of debt, in the name and for the use of said company; and shall also be subject to indictment in the court of quarter sessions of the said county, and upon conviction of such offence shall be punished by fine and imprisonment at the discretion of the court. Penalty on wilfully injuring works of company.

SECT. 22. *And be it further enacted by the authority aforesaid,* That if the president, managers and company shall not proceed to carry on said work within three years from the passage of this act, and shall not complete the same as afore- Time of commencement and completion.

said, or at least one track thereof, in seven years, according to the true intent and meaning of this act; or if after the completion of the said rail-road, the said corporation shall suffer the same to go to decay and be impassable for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

SECT. 23. *And be it further enacted by the authority aforesaid,* That if any increase of the capital stock be deemed necessary by the stockholders to complete the said rail-road, it may be lawful for the said president, managers and company, at a stated or special meeting, convened for the purpose, to increase the number of shares, so that they shall not exceed in the whole ten thousand, and to receive and demand the moneys for shares so subscribed, and in like manner and under like penalties as is hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

Increase of capital stock, not to exceed 10,000 shares

Reservation of right to repeal.

SECT. 24. *And be it further enacted by the authority aforesaid,* That if the said corporation shall misuse or abuse the privileges hereby granted, the legislature reserves the right to revoke or annul the charter hereby granted at any time they may think proper; the legislature also reserves the right to purchase the right of the said company, and the rail-road, with its appurtenances, at any time after thirty years from the passage of this act, at a reasonable price and valuation.

Of right to purchase.

Annual statement to Auditor General.

Tax on dividends.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the president or secretary of the said company, shall annually, on the first Monday of December, transmit to the Auditor General a full statement, under oath, of the affairs of said company and that the said company; shall pay into the state treasury for the use of the commonwealth, a tax of eight per centum, on all dividends which may exceed six per centum on the capital stock actually paid in.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 181.

AN ACT

Providing for the establishment of a general system of education.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That there shall be and there hereby is established a fund to be denominated a Common School Fund, and the Secretary of the Commonwealth, the Auditor General and the Secretary of the Land Office shall be commissioners thereof, who or a majority of them, in addition to the duties they now perform, shall receive and manage such monies and other things as shall pertain to said fund in the most advantageous manner, and shall receive and hold to the use of said fund all such gifts, grants and donations as may be made to the same by private individuals or otherwise, and shall apply the same to the purposes for which such gifts, grants and donations may be made; and that said commissioners shall keep a correct record of their proceedings, which together with all papers and documents relative to said fund, shall be kept and preserved in the office of the Auditor General.

School fund established.
Board of commissioners appointed.

Duties.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, all monies due and owing this commonwealth by the holders of unpatented lands; also all monies secured to the commonwealth by mortgages or lien on land for the purchase money of the same; also all moneys paid to the State Treasurer on any application hereafter entered on any warrant hereafter issued, or any patent hereafter granted for land, as also all fees received in the land office, as well as all monies received in pursuance of the provisions of the fourth section of an act entitled "An act to increase the county rates and levies for the use of the commonwealth, approved the twenty-fifth day of March, one thousand eight hundred and thirty-one, be and the same are hereby transferred and assigned to the common school fund; and that at the expiration of twelve months after the passage of this act, and regularly at the expiration of every twelve months thereafter, the State Treasurer shall report to the said commissioners, the amount of money thus received by him during the twelve months last preceding, together with a certificate of the amount thereof, and that the same is held by the commonwealth for the use of the common school fund, at an interest of five per cent.

Certain funds set apart.

State Treasurer to report to commissioners, annually.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the interest of the monies belonging to said fund shall be added to the principal as it becomes due, and the whole

Interest of fund to be added to principal until proceeds amount to \$100,000 per annum when it is to be applied to support of common schools.

amount thereof shall be held by the commonwealth, and remain subject to the provisions of an act entitled "An act relative to the Pennsylvania canal and rail-road," approved twenty-second April, one thousand eight hundred and twenty-nine, until the interest thereof shall amount to the sum of one hundred thousand dollars annually, after which the interest shall be annually distributed and applied to the support of common schools throughout this commonwealth, in such manner as shall hereafter be provided by law.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 182.

AN ACT

To authorise Peter Richter to use the towing path side of the Pennsylvania canal, to load and unload property at his store house.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Peter Richter be, and he is hereby authorised, to use the towing path side of the Pennsylvania canal, in loading and unloading property at his store house, erected on the Isle of Que, in Union county: *Provided,* The said Peter Richter does not injure said towing path or canal, and does not interfere with, or impede the passage of any persons or property, on said canal or towing path: *And provided further,* That the consent of the board of canal commissioners shall first be obtained, and that, if the privileges hereby granted be misused or abused, the board of canal commissioners may, at any time, deny the use of the privileges hereby granted, to the aforesaid Peter Richter.

On the Isle of Que in Union county.

Provisos.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 183.

AN ACT

Authorising Jacob Kirk, of Lancaster county, to sell and convey certain real estate.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jacob Kirk, of the county of Lancaster, be, Interest of and he is hereby authorised, to sell and convey all the right, certain minor title and interest, of Sarah Wood, a minor daughter of children. Thomas Wood, late of the said county deceased; and also, all the right, title, and interest, of the minor children of Anne Montgomery, deceased, who was a child, and one of the heirs of the said Thomas Wood, deceased, in two certain pieces of property, of which the said Thomas Wood died seized and possessed; one being a tract of land of about one hundred acres, and the other an undivided fourth part of a tract of land, containing about one hundred and twenty acres, both situate and being in the county of Lancaster: *Provided,* That before executing a deed or deeds to the purchaser, for the said property, or any part thereof, the said Jacob Kirk shall enter into satisfactory security, before the orphans' court of the said county, conditioned for the faithful application of the money arising from the said property, according to law: *And provided,* That the said sale shall be approved of by the said court.

*Proviso.
Security and
approval of
sale.*

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 184.

AN ACT

Authorising Daniel Esterly, administrator of the estate of Daniel Drenkel, deceased, Catharine Etter, guardian of her five minor children, and Daniel Focht and Daniel A. Bertollet, to sell certain real estate.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Daniel Esterly, administrator of the estate of Daniel Drenkel, late of Berks county, deceased, be and he hereby Relative to Daniel Drenkel's estate.

is authorised to sell at private or public sale, all the right title and interest and estate which the said Daniel Drenkel, at the time of his death, had or held in lands in this commonwealth, owned by the said Daniel Drenkel, and any other person or persons as joint tenants or tenants in common, and to make good and sufficient deeds of conveyance for the same to the purchaser or purchasers: *Provided*, the said administrator shall give such sufficient security for the faithful and proper appropriation of the proceeds of the sale or sales of said real estate, as the orphans' court of Berks county shall direct.

Catharine
Etter, of Lan-
caster county
authorised to
execute a
certain re-
lease.

SECT. 2. *And be it further enacted by the authority aforesaid*, That Catharine Etter, of Lancaster county, guardian of her five minor children, viz: Coleman Etter, Bayard Etter, Mary Ann Etter, Rufus King Etter and James Monroe Etter, by her late husband Jacob Etter, deceased, be and she is hereby authorised and empowered to execute a release to George Washington Cooke, his heirs and assigns of all the right, title and interest of the said minor children, of, in and to all that large stone and brick house and lot of ground, with all the privileges and appurtenances thereto belonging, situate on the corner of Second street, or turnpike road and Walnut street, in the borough of Marietta; being the same premises, which by articles of agreement, dated the seventeenth day of February, A. D. one thousand eight hundred and fourteen, the said Jacob Etter agreed to purchase of David Cooke, the father of the said George Washington Cooke, but for which the said Jacob Etter had not paid the purchase money agreeably to the covenants in the said articles of agreement, stipulated, and no title for the same had been made by the said David Cooke to the said Jacob Etter.

Executors of
G. Focht's es-
tate authori-
sed to make a
certain deed.

SECT. 3. *And be it further enacted by the authority aforesaid*, That Daniel Focht and Daniel A. Bertolet, executors of the last will and testament of George Focht, late of the township of Oley, in the county of Berks, deceased, be and the said executors hereby are authorised to execute and deliver to Alexander Tharp, administrator of the estate of Thomas Tharp, late of Shamokin township, in the county of Northumberland, deceased, for the use of the estate, heirs and legal representatives of the said Thomas Tharp, deceased, a deed of conveyance for a certain tract of land, containing one hundred and twenty-six acres or thereabouts, situate in the township of Shamokin aforesaid, which said land was sold by the said George Focht, in his life time, to the said Thomas Tharp, before his decease: *Provided*, That before the delivery of said deed, the said administrator or the heirs of said Thomas Tharp, deceased, shall pay to the said executors the balance of the purchase money of said land: *And provided also*, That the said executors shall give

Proviso.
Balance of
purchase mo-
ney.
2d proviso.

in the orphans' court of said county of Berks, such security ^{Security to} for the faithful application of said money, as said court may ^{orphans' court.} require.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 185.

A FURTHER SUPPLEMENT

To the act, entitled "An act to erect Norristown, in Montgomery county, into a borough.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first Friday in May next, the election for the different officers of said borough, shall be held on the first Friday in March, in every year, at the same place and in the same manner, as prescribed by the provisions of the act of incorporation, to which this is a further supplement. ^{Time of holding annual election.}

SECT. 2. *And be it further enacted by the authority aforesaid,* That on the Tuesday next, after the election of the officers of said borough, the members of the town council elect, shall convene at some suitable place in said borough, shall then and there choose by ballot, one of their members as president, who shall serve for the ensuing year, or until another council be duly elected; and in case of the death, absence, resignation or inability, to act of the president, his place shall be supplied pro tempore until a new election, in manner aforesaid. ^{Vacancy how supplied.}

SECT. 3. *And be it further enacted by the authority aforesaid,* That in case of neglect or failure, to elect borough officers under the provisions of the act of incorporation, to which this is a supplement, at any time hereafter on the day appointed by law, it shall be the duty of the burgess or president of the town council, to give at least ten days public notice. ^{Case of failure to hold elections provided for.}

tice, by twelve or more handbills, put up at the most public places in said borough, for an election to be held at any time within one month next, after the day appointed by the aforesaid act; and that the officers of the preceding year, shall continue to exercise their duties until said election shall be held, and the officers duly elected qualified.

SECT. 4. *And be it further enacted by the authority aforesaid,* That hereafter the qualified electors of said borough, shall elect nine reputable citizens, to serve as members of the town council of said borough.

SECT. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town council, five of whom shall constitute a quorum, to hold meetings from time to time as occasion shall require, at which meetings they may revise, repeal or annul, all such by-laws or ordinances as have been heretofore made in the said borough, which are hereby declared to be in full force, until so revised, repealed or annulled, and enact such other by-laws, ordinances, and make such other rules and regulations, as shall be determined on by a majority of them, necessary to promote the peace, good order, benefit and advantage of the said borough, particularly of providing for the regulation of the markets, improving, repairing and keeping in order, and regulating the pavements, streets, roads, lanes, alleys and high ways, ascertaining and regulating the depths of vaults, sinks or pits, for necessary houses, and making permanent regulations and rules, relative to the foundation of buildings, party walls and fences; they shall have power to assess, apportion, and appropriate such taxes as shall be determined by a majority of them necessary for carrying the said rules and ordinances, from time to time, into complete effect; and also to appoint a town clerk, two persons to act as street and road commissioners, a treasurer, a clerk of the market, and a collector annually, and such other officers as may be deemed necessary from time to time, and the same officers from time to time remove for misconduct, neglect or misdemeanor in office: *Provided always,* That no by-laws, rule or ordinance of the said corporation, shall be repugnant to the constitution or laws of the United States, or of this commonwealth; and that no person shall be punished for a breach of a by-law or ordinance, made as aforesaid, until ten days have expired, after the promulgation thereof, in at least one English newspaper printed in said borough, and by twelve advertisements, to be put up in the most public places in the said borough: *And provided also,* That in assessing such tax, due regard shall be had to the valuation of taxable property, taken for the purpose of raising county rates and levies, and to the provisions of the said act of incorporation, so that the said tax shall not exceed a half cent in the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case

9 members of council.

General duties, &c. of council.

Appointment of town clerk, treasurer, &c.

Proviso. Of the by-laws.

2d proviso. Relative to the borough tax.

it shall be the duty of the town council, to call a meeting of the citizens of said borough, and if said meeting or a majority thereof, shall approve of and certify the same to the town council, who shall proceed to assess the same accordingly.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said town council, to assess and collect a tax on all single freemen and inmates, resident in said borough, to be rated according to the provisions of the act, to which this is a further supplement, and of the act to raise and collect county rates and levies; and the said town council, shall further have the power and authority, to assess and collect on each and every dog and bitch, a tax to any amount, not exceeding seventy-five cents for each head, they may deem expedient and proper for the use of the corporation.

Tax on bachelors, inmates resident, dogs, &c.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the burgess, president of the town council and treasurer, or any two of them shall constitute a court of appeal, and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which and of the amount of his or her tax, and the place where the appeal will be held, the collector shall notify each taxable, by a written notice in the usual manner, at least ten days before the day of appeal: *Provided nevertheless,* That the said court of appeal shall have no other power, than to determine the justice of the apportionment of the said tax, and to remedy any grievance that may occur in imposing the same, and when the said tax shall have been properly adjusted, it shall be the duty of the burgess, or in case of his absence, neglect, refusal or inability to act, the president of the town council, is hereby authorised to issue his precept, directed to the collector, commanding him to collect all taxes so assessed, and vesting him with the like powers and authorities, given to the collectors of county rates and levies, by the laws of this commonwealth, and the amount so collected shall be paid into the treasury, for the use of the corporation.

Court of appeal.

Proviso. Power restricted.

Collection of tax.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the burgess for the time being, shall take cognizance and have all the power, jurisdiction and authority, of justices of the peace within the said borough, for the suppression of riots, tumults and disorderly meetings, for the punishment of vagrants and disorderly persons, as well as in all other criminal cases, and in all cases of violations of the provisions of the act, to which this is a supplement, and the provisions of the several supplements thereto, or of the ordinances of said borough, which have been heretofore made, and may hereafter be enacted; and shall be entitled to the same fees, for like services, as justices of the peace are by law entitled to receive; and all attestations made by the burgess, with the seal of the corporation, shall be good evidence of the act or thing certified; and for the affixing of the seal to any

General powers, &c. of burgess.

In absence of burgess, president of council to act. instrument, for other than borough purposes, he shall receive fifty cents; and in the absence, neglect, refusal or inability to act of the burgess, the president of the town council for the time being, shall have the same power, jurisdiction and authority, and he is hereby authorised and enjoined to carry into effect, all by laws and ordinances, enacted by the town council, and whatever else may be necessary, for the well ordering and good governing of said borough.

Election of constable. *SECT. 9. And be it further enacted by the authority aforesaid,* That the qualified electors of said borough, shall annually at the place, and on the day and time appointed for the election of borough officers, in addition to the high constable, elected according to the provisions of the act, to which this is a further supplement, elect two citizens of said borough, and return the names of the persons so elected, to the next court of quarter sessions of said county, one of whom shall be appointed constable of said borough, in the same manner and with like power and authority, and subject to the same regulations and penalties, as are provided and contained in the laws now existing, or that may hereafter exist, concerning constables within this commonwealth: *Provided,* That the like notice for the election of said persons for constable be given, that is required for the election of borough officers.

Proviso. Notice.

Powers of constables. *SECT. 10. And be it further enacted by the authority aforesaid,* That the high constable of said borough, shall have all the power and authority, vested by the laws of this commonwealth in the constables of the different townships in said county; and the constable elected and appointed as aforesaid, shall have full power and authority to execute any process, directed to the high constable of said borough, and is hereby authorised and enjoined, to do and perform all the duties required to be done, by the said high constable.

Corporation authorised to supply borough with water. *SECT. 11. And be it further enacted by the authority aforesaid,* That the corporation of the said borough be, and is hereby authorised and empowered, to introduce into said borough, a sufficient supply of Schuylkill, or other wholesome water, for the use of said borough, at the expense of said borough, for which purpose said corporation is hereby authorised to contract for such supply, with any individual or body corporate, as it may deem most expedient; and shall also be authorised to convey such supply by means of pipes, trunks, and aqueducts, and to provide proper cisterns or reservoirs, for the reception thereof; and for said purposes, said corporation may, by its artists and workmen, enter into such lands and enclosures, as may be necessary, and to dig, ditch and lay pipes through the same, doing as little damage as possible to private property, and paying for whatever injury shall be done by them; and when the parties cannot agree, the damages to be assessed by three disinterested citizens, to be appointed, on application, by the court of common pleas in said county of Montgomery, who shall be duly

Settlement of damages, &c.

sworn and affirmed, justly and equitably to make such assessment; and the said corporation shall at all times, (paying damages as aforesaid) have liberty to renew and repair the pipes, trunks and aqueducts, whenever laid on and through private property, doing as little damage as possible; and shall also have liberty at all times, to dig and lay pipes along the roads and highways of said borough, and to renew and repair the same, closing up and amending any breaches which they may make, as soon as practicable.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the corporation of the said borough is hereby authorised and empowered, to borrow any sum or sums of money, not exceeding ten thousand dollars, upon the faith and credit of said borough, to carry into effect the purposes aforesaid, and to apply so much of the taxes raised upon said borough, as may be necessary to the punctual payment of the interest of said loan.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the corporation of said borough be, and is hereby authorised and empowered, to sell or rent the said water, all and every person and persons, who may be disposed to purchase the same, upon such terms as may be agreed upon; the rents and proceeds of which shall be for the use and benefit of said borough.

SECT. 14. *And be it further enacted by the authority aforesaid,* That any person, who shall wilfully destroy or injure, in any manner, the pipes, aqueducts, cisterns, reservoirs, buildings, or machinery, or any of them, or any of the works of the said corporation, erected in pursuance of this act, or shall wilfully corrupt or render unwholesome, the water which shall be carried and brought into said borough, by the said corporation, shall, on being thereof convicted in the court of quarter sessions of the peace of said county of Montgomery, pay a fine not exceeding one hundred dollars, one half to the use of the borough, and the other half to the informer, or be sentenced to undergo an imprisonment in the jail of said county, for any term not exceeding six months, at the discretion of said court, and shall be liable for all damages sustained by the corporation.

SECT. 15. *And be it further enacted by the authority aforesaid,* That so much of the act of incorporation of said borough, and the several supplements thereto, as may be altered and supplied by the provisions of this further supplement, be, and the same is hereby repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 186.

AN ACT

Authorising the laying out a state road in Berks and Schuylkill counties.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jonathan Miller, of Berks county, and John Heim and Henry Stager, of Schuylkill county, are hereby appointed commissioners to lay out, by courses and distances, a state road, beginning at a state road leading from Hamburg to Roehrsburg, where a public road from Bernville intersects the same, near Solomon Albright's tavern, in Upper Bern township, Berks county, to Schuylkill Haven, in Schuylkill county.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, or a majority of them, after taking an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which the said road may pass, and lay out the same as near to a straight line, between the aforesaid points, as the nature of the ground, and other important circumstances will permit, and so that the vertical departure from a horizontal line shall at no point exceed seven degrees, except only at crossing the ravines and streams, where, by moderate filling or bridging, the declination of the road may be preserved within that limit.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, or a majority of them, in choosing ground, to have due regard to the crossing of waters, to the declination and nature of the ground, to the expense upon the townships, to damage to private property, and to all other circumstances affecting the route; so that, by a judicious and skilful combination of them, the route finally adopted may best promote the public good.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, plainly and distinctly to mark upon the ground, the route agreed upon for the road as aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorised to employ a surveyor, two chain bearers, and one axe man.

SECT. 5. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners to make out

a fair and accurate draft of the location of said road, noting thereon the courses and distances, from point to point, as they occur, the improvements passed through, and also the crossing of county and township lines, roads, and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of August next, and one copy in the office of the clerk of the court of quarter sessions of the respective counties aforesaid, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth, the road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts aforesaid.

Drafts of
location.

Where depo-
sited.

SECT. 6. *And be it further enacted by the authority aforesaid,* That each of the said commissioners shall receive the sum of one dollar and fifty cents, for each day he shall be necessarily employed in said work, together with a reasonable allowance for a surveyor, and a per diem allowance, not exceeding seventy five cents, for chain carriers and axe man; and the accounts of the said commissioners, for their own pay and the pay of their hands as aforesaid, shall be adjusted and allowed by the commissioners of the respective counties through which the road passes, and paid by the treasurers thereof, on warrants drawn in the usual way, and in proportion to the length of the road in such county respectively; the commissioners shall meet at Solomon Albright's tavern, on the first Monday in August next, or as soon thereafter as possible, and complete the said work as soon as practicable; and if a vacancy or vacancies shall happen, by the resignation of the commissioners, or by any other cause, the Governor is hereby authorised to fill the vacancy or vacancies, by a suitable appointment.

Compensa-
tion of com-
missioners
and assistants

Accounts
how settled.

Meeting of
commission-
ers.

Governor to
supply vacan-
cies.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 187.

AN ACT.

To authorise the governor to incorporate the Wyalusing salt manufacturing company.

Preamble.

WHEREAS, there are indications of salt water, in the county of Susquehanna: *And whereas*, the citizens of Bradford and Susquehanna counties, have been engaged in the search for salt water, for the last twenty-four years without success: *And whereas*, individual enterprise has exhausted its energies on the subject :

Therefore,

Commissioners to open books.

Form of subscription.
\$5 per share.

Notice.

Whole No. of shares 1000.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Jabez Hyde, junr. Daniel Ross, Salmon Bosworth, Dimon Bostwick, Ira Brister and Samuel Bradshaw, be and are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they shall on or before the first day of July next, procure two books and enter in them as follows: "We, whose names are hereunto subscribed, do promise to pay unto the Wyalusing salt manufacturing company, the sum of five dollars for every share of said stock set opposite to our respective names, in such manner and proportions, and at such time as shall be determined on by the Wyalusing salt manufacturing company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to authorise the governor to incorporate the Wyalusing salt manufacturing company,' as witness our hands the day of in the year of our Lord, one thousand eight hundred and ;" and shall thereupon give notice in one newspaper, printed in each of the counties of Susquehanna and Bradford, for one calender month at least, of the times and places, when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which times and places, some one of the said commissioners shall attend and permit and suffer all persons of lawful age, who shall offer to subscribe in the said books, in their own names, or in the names of any other persons, who shall duly authorise the same, for any number of shares of the said stock; and the said books shall be kept open respectively for the purposes aforesaid, for at least six hours in every juridical day for the space of three days, and until the said books so opened shall have one thousand shares therein subscribed; and if at the expiration of the said three days, the books aforesaid shall not have the number of shares aforesaid

therein subscribed, the said commissioners, respectively, may adjourn from time to time and transfer the books from place to place, until the whole number of shares shall be subscribed; of which adjournment and transfer, the said commissioners shall give such notice as the occasion may require; and when the whole number of shares subscribed in the said books shall amount to one thousand shares, the same shall be closed.

SECT.2. *And be it further enacted by the authority aforesaid,* That whenever twenty or more persons shall have subscribed two hundred shares or more of said stock, and having actually paid one dollar on each share, the commissioners shall certify, under their hands and seals, the names of the subscribers, and number of shares subscribed by each, to the Governor, and thereupon it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, by the name, style and title of the Wyalusing salt manufacturing company; and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent and meaning of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and doing all and every other matter or thing, which a corporation or body politic may lawfully do: *Provided*, That the privileges hereby granted shall continue for the term of thirty years and no longer, and that the said company shall in no case extend their operations beyond the counties of Bradford and Susquehanna.

When 20 persons take 200 shares and pay \$1 on each, charter may issue.

Style of corporation.

Privileges and liabilities

Proviso. Limit to charter and to sphere of operations.

SECT.3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give notice in the public papers aforesaid, of the time and place by them to be appointed, not less than thirty days from the publication of the first notice, of what time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of their own subscribers, by ballot, to be delivered in person or by proxy duly authorised, one president, six mana-

Organization of corporation.

President,
managers,
treasurer, &c.

Proviso.
One vote each
share up to
ten.

Annual elec-
tion.

Right to re-
peal.

gers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen; and the said managers, so chosen, and their successors shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state and of the United States, as shall be necessary for the well ordering of the affairs of the said company: *Provided*, That no stockholder shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to; and that each person shall be entitled to one vote for every share by him held under that number; and that after the first election, the annual election for officers shall be holden at such times and places as shall be fixed and determined by an ordinance or by-law of the said company, public notice of which shall be given.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the legislature reserves to itself the right to amend, alter or annul the charter hereby granted, whenever it shall think proper.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 188.

AN ACT

To annul the marriage contract of James Underwood and Margaret his wife, David Conyngham and Maria his wife, Philip Bush and Esther his wife, and James Dove and Ann Dorothea his wife.

J. Underwood
and wife di-
vorted.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the marriage contract entered into between James Underwood and Margaret his wife, late of the county of Luzerne, be, and the same is hereby annulled and made void, and the parties released, set free and discharged, from the said marriage contract, and from all duties and obliga-

tions arising and derived thereby and therefrom, as fully, effectually, and absolutely, as if they had never been joined in the bonds of matrimony.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the marriage contract, entered into between David Conyngham and Maria his wife, late of the county of Lancaster, be, and the same is hereby annulled and made void, and the parties released, set free, and discharged from the said marriage contract, and from all duties and obligations arising and derived thereby and therefrom, as fully, effectually, and absolutely, as if they had never been joined in the bonds of matrimony. D. Conyngham and wife.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the marriage contract, entered into between Philip P. Bush and Bush and Esther his wife, now or late of the county of Westmoreland, be, and the same is hereby annulled and made void, and the parties released, set free, and discharged, from the said marriage contract, and from all duties and obligations arising and derived thereby and therefrom, as fully, effectually, and absolutely, as if they had never been joined in the bonds of matrimony. P. Bush and wife.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the marriage contract, entered into between James Dove and Ann Dorothea his wife, now or late of the city of Philadelphia, be, and the same is hereby annulled and made void, and the parties released, set free and discharged from the said marriage contract, and from all duties and obligations arising and derived thereby and therefrom, as fully, effectually and absolutely, as if they had never been joined in the bonds of matrimony. J. Dove and wife.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-one. GEO. WOLF.

No. 189.

AN ACT

Authorising the laying out a graded road from Robbstown, by way of General Markle's mill, Greensburg, and to intersect the Northern turnpike road, at New Alexandria, in Westmoreland county.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That General Joseph Markle, Anthony Roop, and William Gutrie, be and they are hereby appointed commissioners, and Commissioners appointed to lay out road.

Route.

General duties.

Places of depositing drafts, prior to 1st October

Assistants allowed.

Pay of commissioners.

Adjustment of accounts.

Proviso. Vacancies to be supplied by Governor.

that after being duly sworn or affirmed, before some justice of the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity, they shall on or before the first Monday in September next, proceed to lay out, by courses and distances, a graded road, commencing at Robbstown, in the county aforesaid, and from thence by Markle's mill, and thence by Greensburg, and thence to the Northern turnpike road, at or near New Alexandria, in the said county; and that the said road shall be laid out as near to a straight line, between the said points, as the nature of the ground and other circumstances will permit, and so that the vertical departure from a horizontal line, shall at no point exceed five degrees; and further, that said commissioners shall make out a fair and accurate draft of said location, noting thereon the courses and distances, the improvements passed through, the crossing of township lines, and such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first day of October next, and one other copy in the office of the clerk of quarter sessions, of the county aforesaid, on or before the day aforesaid, which shall be a record thereof; and from thenceforth, said road shall be to all intents and purposes a public highway, and be opened and repaired, as other roads are opened and repaired, which are laid out by order of the courts.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said commissioners are hereby authorised, and allowed to employ one surveyor, whose compensation shall not exceed one dollar and fifty cents per day, and two chain bearers, at a per diem allowance not exceeding seventy-five cents per day; that the compensation of the said commissioners shall be one dollar and fifty cents per day, each, for every day they may be necessarily employed, by virtue of this act; the accounts of said commissioners to be adjusted, and allowed by the commissioners of the county aforesaid; to be paid by the treasurer thereof, on a warrant drawn in the usual way: *Provided,* That if any vacancy or vacancies should occur, by resignation, or other cause, of said commissioners or any one of them, then the Governor is hereby authorised to fill such vacancy or vacancies, by the appointment of some suitable person or persons.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 190.

AN ACT

To incorporate a company to make a free road from Abraham Hays', on the Somerset and Mountpleasant turnpike, to Walthour's, on the Greensburg and Pittsburg turnpike, in the county of Westmoreland.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Abraham Hays, Thomas Hurst, Abraham Weaver, John Byers, Samuel Pool, Joseph Gross, John McReil, Andrew Fulton, Jacob Harrold, William Hindman, John Painter and Jacob Eiserman, be, and they are hereby appointed commissioners, to do and perform the several things hereinafter directed, that is to say: they shall, on or before the first day of June next, procure a book or books, and enter therein as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the free road company from Abraham Hays' to Walthours, the several sums annexed to our names, in such manner, at such times, and in such proportions, as the president and managers of the said free road company may direct, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to incorporate a company to make a free road from Abraham Hays', on the Somerset and Mount Pleasant turnpike, to Walthour's, on the Greensburg and Pittsburg turnpike, in the county of Westmoreland." Witness our hands, the day of , in the year of our Lord, one thousand eight hundred and ;" and thereupon shall take such measures, as to them shall appear proper, to procure subscriptions to the stock of said company, from all persons who are free and of age; and the said books to keep open and procure stock, from time to time, until a sufficiency shall be procured to accomplish the object contemplated in this act.

SECT. 2. *And be it further enacted by the authority of aforesaid,* That when twenty or more persons shall have subscribed two thousand or more dollars. of the said stock, the said commissioners shall certify, under their hands and seals, the names of subscribers, and the amount each shall have subscribed, to the Governor; and thereupon it shall and may be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and if the subscription shall not be sufficient at the time, then those who shall afterwards subscribe, to the amount of four thousand dollars, into one body politic and corporate,

Commissioners appointed to open books.

Form of subscription.

When 20 persons subscribe \$2600, Governor may incorporate.

To amount of \$4000.

Style. in deed and in law, by the name, style and title, of "the president, managers and company, of the free road from Abraham Hays' to Walthour's, in the county of Westmoreland."

First election. *SECT. 3. And be it further enacted by the authority aforesaid,* That as soon as two thousand dollars shall have been subscribed, and letters patent obtained, the commissioners shall give at least twenty days public notice, in one or more newspapers published nearest to the body of the subscribers, of a time and place of holding an election, when and where the subscribers shall proceed, between the hours of one and six o'clock, P. M. to elect, by ballot, one president, twelve managers, and one treasurer, and such other officers as they may deem necessary to conduct the business of said company; and shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this commonwealth, as they shall judge necessary for the well ordering of the affairs of said company; *Provided,*

Officers. That no person shall have more than five votes at any such election, and that every person shall have one vote for every ten dollars subscribed, up to that number: *And provided further,* That all future elections shall be held on the second Monday of April, of each and every year; the election to be held at such place as the president and managers may direct.

By-laws, &c.

Proviso. *Ratio of votes* That no person shall have more than five votes at any such election, and that every person shall have one vote for every ten dollars subscribed, up to that number: *And provided further,* That all future elections shall be held on the second Monday of April, of each and every year; the election to be held at such place as the president and managers may direct.

Annual election.

General powers of company relative to location of road. *SECT. 4. And be it further enacted by the authority aforesaid,* That the said president and managers, their superintendents, surveyors, engineers, and agents, shall be, and they are hereby authorised to enter in and upon all enclosures or wood land, in, over, or through which the said free road shall pass, or that it shall be thought proper to pass over, and the same to examine, and thereon shall create a road, according to the best of their judgment, beginning at or near Abraham Hease's, on the top of Chesnut ridge, in the county of Westmoreland, and to intersect the Greensburg and Pittsburg turnpike road, at or near the widow Walthour's; which said road shall be opened forty feet wide, at least twenty feet of which shall be made an artificial road of clay, stone, gravel, or such other materials as the president and managers shall think proper, so that the same, when completed, shall not exceed, in ascent or descent, five degrees from a horizontal line; and when said road shall be completed, shall forever be a free road: *Provided,* The owners of land through which the said road shall pass, shall have the same remedy as is provided in the general road laws of this commonwealth.

Road to be free.

Proviso.

Repair of road. *SECT. 5. And be it further enacted by the authority aforesaid,* That the said road shall be kept in repair as public roads now are, which are laid out by order of the courts of

general quarter sessions of the peace, agreeably to the several acts of assembly, in such cases made and provided.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 191.

AN ACT

For the relief of Jacob Galentine, Philip Longstreth and Joshua Napp, soldiers of the revolution.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay to Jacob Galentine, of Fayette county, and to Philip Longstreth, of Greene county, soldiers of the revolutionary war, or to their respective orders, forty dollars each, immediately, and an annuity of forty dollars each, during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-one. \$40 gratuity and \$40 annuity granted to J. Galentine and P. Longstreth.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Joshua Napp, of Columbianna county, in the state of Ohio, a soldier of the revolution, or to his order, forty dollars, immediately, and an annuity of forty dollars, during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and thirty-one. Same to J. Napp of Ohio.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 192.

AN ACT

Relative to real estate, and vesting the interest of this commonwealth in escheated estates, in certain persons therein named.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the orphans' court of Dauphin county, be and they are hereby authorised and empowered, upon the application of the executor, named in the last will and testament of Leonard Wallouer, late of said county, deceased, to issue their writ, directed to the sheriff of the county, to summon twelve good and lawful men of said county, to value and appraise the real estate of the said Leonard Wallouer, and make return of the same to the next orphans' court; as in other cases of intestates; and that the sheriff give notice to all the heirs interested in said estate, of the time of holding such valuation and appraisement; and after the sheriff has made his return of the aforesaid valuation and appraisement, notice shall be given to the sons of the testator, to come into court and take the said real estate at the said valuation, agreeably to the will of the testator.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the trustees of Conneaut Lake Congregation, of the Presbyterian order, for the time being, or a majority of them, to sell and convey by good and sufficient deed or deeds of conveyance, the whole or so much as they deem proper, of a certain lot of ground, belonging to said congregation, on which their house of public worship stands, in the village of Evansburg, in the county of Crawford.

SECT. 3. *And be it further enacted by the authority aforesaid,* That Isabella Hurst and Eliphalet Betts, two of the administrators of Henry Hurst, late of Crawford county, deceased, are hereby authorised to do and perform all and singular the acts, which they were authorised to do in conjunction with Ira A. Blossom, by virtue of an act, passed the twenty-seventh day of March, one thousand eight hundred and twenty-seven.

SECT. 4. *And be it further enacted by the authority aforesaid,* That Thomas M'Calmont and William M'Calmont, guardians of the persons and estates of Stewart McKee, Jane McKee and Thomas McKee, minor children of the late Thomas McKee, of the county of Centre, deceased, now residents of Wayne county, in the territory of Michigan, are hereby authorised and empowered to convey to Peter Murray, all the estate,

Certain authority given to orphans' court of Dauphin, relative to the estate of L. Wallouer.

Trustees of a certain congregation in Crawford co. may sell and convey a certain lot.

Estate of H. Hurst of Crawford. Two administrators may act.

T. and W. M'Calmont guardians, authorised to convey certain land to P. Murray.

right, title and interest of the said Stewart McKee, Jane McKee and Thomas McKee, of and in a certain tract of land, situated in Walker township, Centre county, containing eighty-four acres, more or less; and full power and authority is hereby given to the said Thomas M'Calmont and William M'Calmont, to execute a deed or deeds for the said tract of land, in fee simple, to the said Peter Murray, his heirs or assigns: *Provided*, That before the receipt of the purchase money or any part thereof, the said Thomas and William M'Calmont, shall first give bond, with good security, to be approved of by the orphans' court of Centre county, to the commonwealth of Pennsylvania, for the use of the said minor children, in double the amount of the purchase money, conditioned for the faithful application of the purchase money to the maintenance and education of the said minor children, and the payment of the residue, if any, to the persons authorised to receive the same, on attaining at full age; and the said bond shall remain among the records of the orphans' court of said county of Centre.

Proviso.

Security for faithful application of purchase money.

SECT. 5. *And be it further enacted by the authority aforesaid*, That Daniel Christy, one of the guardians of Adam Shaffer, a lunatic, late of Beaver county, deceased, is hereby authorised by and with the consent and under the direction of the orphans' court of Beaver county, to convey all the right, title and interest of Adam Shaffer, a lunatic, deceased, in and to twenty-five acres of land, situate in said county, to John Shaffer, his heirs and assigns, according to the true intent and meaning of an article of agreement between the guardians of said lunatic and the said John Shaffer, for maintaining and providing said lunatic with sufficient meat, drink, washing and lodging during his natural life: *Provided*, That the court aforesaid, (before the deed is authorised to be made) shall be satisfied that the agreement between the guardians of Adam Shaffer and John Shaffer, was a fair and equitable one, and that the said John Shaffer performed all the covenants on his part.

Proviso.

Estate of Adam Shaffer, a lunatic.

SECT. 6. *And be it further enacted by the authority aforesaid*, That Jacob Oswald, Daniel Oswald, Benjamin Oswald, and Jacob Mosser, junior, guardians of the minor children of George Sittler, late of Lehigh county, deceased, be and they are hereby authorised and empowered, to sell the right, title and interest of the said minor children, in a certain undivided tract of land, situated in West Penn township, Schuylkill county, adjoining lands of John Kerschner, and others, containing about three hundred acres; and also convey the same to the purchaser or purchasers, in fee simple, by a deed or deeds, with the same effect as if the said minors were of full age, and had conveyed the same: *Provided*, That before the said Jacob Oswald, guardian of Polly; Daniel Oswald, guardian of Rebecca; Benjamin Oswald, guardian of Hetty, and

Proviso.
Surety to orphans' court of Lehigh.

Guardians of minor children of Geo. Sittler may sell and convey 300 acres of land in Schuylkill co.

2d proviso.
Approval of
sale.

Jacob Mosser, junior, guardian of Susanna and Solomon Sittler, shall make sale as aforesaid, they shall give bond in such sum, and with such sureties as the orphans' court of the county of Lehigh shall direct, conditioned for the faithful discharge of their duty, and proper application of the money arising from said sale: *And provided further*, That the sale of no part of said property shall be valid, until the same shall have been reported to, and approved of by the orphans' court, of said Lehigh county.

Trustees ap-
pointed to
take care of
estate of L.
Stewart of
Luzerne co.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the estate of Lazarus Stewart, of Luzerne county, real, personal and mixed, be and the same is hereby vested in Calvin Wadhams, Alexander Jameson, and Charles D. Shoemaker, and the survivors and survivor of them, it being represented that the said Lazarus, from imbecility of intellect, is wholly incapable of managing or taking care of his own concerns, and that the said Calvin Alexander, and Charles D. Shoemaker, trustees, and the survivors and survivor of them, be and they are hereby authorised, to collect in their own names or name, all debts and demands due to the said Lazarus Stewart, and what may not be necessary for the support and maintenance of the said Lazarus, to invest, with the approbation of the orphans' court of Luzerne county, in some productive fund, for the use of the said Lazarus Stewart, and with the approbation of said court, the said trustees, and the survivors and survivor of them, are hereby authorised to sell and convey all and any real estate, belonging to the said Lazarus, and invest the money in manner aforesaid; and it shall be the duty of the said trustees, and survivors and survivor, once in two years to file and account of their proceedings, with the clerk of the orphans' court of said county, and in case any person interested shall require it, the said trustees and the survivors and survivor, shall give such security, as the said orphans' court shall direct, or the trust hereby authorised, shall be vacated and declared null and void.

Biennial
statement to
orphans'
court.

Security to be
given.

George Bach-
man, trustee,
to convey part
of certain
property

SECT. 8. *And be it further enacted by the authority aforesaid*, That George Bachman, trustee appointed by the court of common pleas of Northampton county, under the last will and testament of George Bachman, deceased, be, and he is hereby authorised, to grant and convey to the Lehigh coal and navigation company, so much of a certain tract of land, situate in Bethlehem township, in the county of Northampton, on the river Lehigh, adjoining lands now of Levi D. Bolder. John Freeman, and of the Lehigh coal and navigation company, containing ten acres eighty-seven perches, strict measure, as is contained in the survey made by the said company, and for the consideration heretofore agreed upon with the said company; and also to expose to sale, by public vendue or outcry, after giving due and public notice of the time and place of sale, the residue of the said tract,

To sell resi-
due.

being the balance of ten acres and eighty-seven perches, and sell the same in whole or in parcels, as shall be deemed most advisable, for the best price or prices, that shall be bidden for the same; and to convey the same to the purchaser or purchasers thereof, in fee: *Provided*, That before executing any such conveyance, the said George Bachman, the trustee, shall give security in such sum and in such manner, as the court of common pleas of Northampton county shall direct, for the faithful application of the proceeds of sale, in such manner as the said court shall think will best conform to the intention of the testator, George Bachman, deceased.

Proviso.
Security.

SECT. 9. *And be it further enacted by the authority aforesaid*, That Joseph M'Naughton, guardian of Mary Clouser, minor child of Jacob Clouser, late of Juniata township, Perry county, deceased, be, and he is hereby authorised, to sell and convey all the right, title and interest, of the said Mary Clouser, in a certain plantation, with the appurtenances, situate in Juniata township, in the county of Perry, bounded by lands of Philip Bosserman, Joseph Gaunt's heirs, Valentine Burrel, and others, containing one hundred acres, more or less: *Provided*, That before making sale of said tract of land, the said Joseph M'Naughton, guardian aforesaid, shall enter into bond or recognizance in the orphans' court of Perry county, in such sum as the said court shall direct, with one or more sureties, conditioned for the faithful application of the monies arising from the sale of said tract of land: *And provided also*, That before the sale of the said property shall be valid, it shall be approved of by the judges of said court.

Proviso.
Security and
approval.

SECT. 10. *And be it further enacted by the authority aforesaid*, That Cornelius Cortright, guardian of Louisa Cortright, and Cornelius Cortright and John Gore, junior, guardian of George Cortright and Hannah Cortright, minor children of John Cortright, late of Pittston, in the county of Luzerne, deceased, intestate, be and they are hereby authorised and empowered, to sell all the right, title and interest, of Louisa, Cornelius, George, and Hannah Cortright, minor children aforesaid, of, in, and to, a certain lot or piece of land, situated in the township of Pittston, in the county aforesaid, containing about fifty eight acres, being part of lot No. one, in said township, and make return thereof to the orphans' court of Luzerne county; and on a confirmation of the sale by the said court, the said Cornelius Cortright and John Gore, junior, guardians, are hereby authorised to execute and acknowledge a deed of conveyance to the purchaser or purchasers, for said tract of land, with the appurtenances, in fee simple; but before such confirmation shall be made, the said guardians shall give security to the satisfaction of the orphans' court of said county, that they will invest

Guardians of
minor children
of J.
Cortright to
make a certain
sale.

Security.

Investment
of proceeds.

Biennial
statement.

Orphans'
court to sup-
ply vacancies

Final account

Guardian of
children of J.
Patton, au-
thorised to
make certain
sale.

Proviso.
Security and
approval.

Right of com-
monwealth
by escheat to
estate of J.
Armstrong,
transferred.

Proviso.

2d proviso.

in some productive fund, to be approved of by said court, so much of the proceeds of such sale, and the accruing interest, as may not be wanted for the maintenance and education of said children, and that they will, at the expiration of every two years, file an account of their proceedings with the clerk of the orphans' court of said county, and for the due and faithful execution of the trust hereby granted. And in case of the death of either or both of the said trustees, the orphans' court are hereby authorised to appoint another or others, whose powers, duties and restrictions, shall be the same as those hereby granted; and upon the arrival of the respective children to the age of twenty-one years, a final account shall be settled in said orphans' court, and the monies distributed, agreeably to the intestate laws of this commonwealth, and the trustees discharged as to such child or children.

SECT. 11. *And be it further enacted by the authority aforesaid,* That Joseph Patton, guardian, by appointment of the orphans' court of Washington county, of William, Joseph, Alexander, John, Samuel and Esther Patton, minor children of the said Joseph Patton, be and he is hereby authorised and empowered, to sell all the right and title of the above named minor children, in and to one hundred acres of land, more or less, situate in Franklin county, and to convey the same, by deed or deeds of conveyance, to the purchaser or purchasers, in fee, in as full and effectual a manner, as if the said minor children had respectively arrived at full age, and had executed the same: *Provided,* That before such sale be made Joseph Patton, guardian, as aforesaid, shall enter into bond and recognizance, in such sum and with such sufficient surety or sureties, before the orphans' court of Washington county, as said court shall direct, conditioned for the appropriation of the proceeds of sale according to law, and accounting for the same to the children respectively, as they arrive at full age: *And provided also,* That the sale shall be approved by the said court.

SECT. 12. *And be it further enacted by the authority aforesaid,* That all the right title and interest, which this commonwealth may have acquired by reason of an escheat, for the want of legal heirs of Julian Armstrong, late of Butler county, deceased, in or to the estate whereof she was possessed or entitled to, through and by her mother Sarah Wright, late of Butler county, deceased, be and the same is hereby granted to and vested in Samuel Wright, Margaret Stevenson, and Nancy Wright, of Butler township, Butler county, their heirs and assigns forever, with full power and authority, to possess themselves by all lawful ways and means whatsoever: *Provided,* That no other claim or right of this commonwealth, except what is derived by the said escheat, shall pass by this act: *Provided also,* That the grantees, their

heirs and assigns, in whom the estate mentioned in this act is vested, shall be subject nevertheless to the same tax or duty, as if the same had descended to them and their heirs from collateral relatives, under the provisions of the law relating to collateral inheritances, passed the seventh day of April, one thousand eight hundred and twenty-six. Collateral inheritance tax.

SECT. 13. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for Henry Stoneroad, guardian of John, Henry, Samuel, Susanna and Mary Ann Stoneroad, minor children of Thomas Stoneroad, late of Donegal township, Lancaster county, deceased, to make sale of an undivided sixth part of a tract of land, containing one hundred and fourteen acres and five perches, situate in Fermaugh township, Milford county, adjoining lands of James Sterns, John Gray, and others, and convey the estate of the said minors in the premises, by a good and sufficient deed of conveyance, to the purchaser or purchasers, with the same effect as if the said John, Henry, Samuel, Susanna and Mary Ann Stoneroad, had respectively attained the age of twenty one years, and had duly executed such conveyance or conveyances, in their own proper persons: *Provided,* That before the said Henry Stoneroad, shall make sale as aforesaid, he shall enter into a recognizance, with one or more sureties, before the orphans' court of Lancaster county, in such sum as the said court may direct, conditioned for the faithful discharge of his duty, and the proper application of the money arising from said sale: *And provided also,* That such sale shall not be valid, until the terms thereof shall be approved of by said court. H. Stoneroad, guardian, authorised to sell and convey certain property.

Proviso.
Security to orphans' court.

Approval of sale.

SECT. 14. *And be it further enacted by the authority aforesaid,* That Peter Ihrie, junior, executor of the last will and testament of George Ihrie, late of the borough of Easton, in the county of Northampton, deceased, be and hereby is authorised and empowered to sell and convey all the right, title and interest which the said George Ihrie, deceased, at the time of his death had and held, in a tract or piece of land, situate in Plainfield township, Northampton county, adjoining lands of John Miller, Samuel Russel, Peter Deets, and others, containing about five acres more or less; and also the one equal undivided eighth part, which the said George Ihrie, purchased in his life time, of the real estate of which George Nolf, formerly of Forks township, Northampton county, died seized: *Provided,* The said Peter Ihrie, junior, before proceeding to make sale of the aforesaid real estate, shall give in the orphans' court, of the county of Northampton, such security as said court may require, that he will well and faithfully pay over the proceeds, of the sale or sales thereof, to such person or persons, as may by law be entitled to receive the same; and that such sale shall not be valid, until approved of by the court aforesaid. Executor of estate of Geo. Ihrie, authorised to sell and convey certain real estate.

Proviso.
Security and approval of sale.

Common-wealth's claim to estate of Jane Easton, by escheat vested in Alexander Easton.

Proviso.
Collateral inheritance law

SECT. 15. *And be it further enacted by the authority aforesaid,* That all the right, claim and interest which this commonwealth may have acquired, by reason of any escheat or supposed escheat, to the personal property of Jane Easton, from want of heirs to the said Jane Easton, or by reason of the said Jane Easton not disposing of the personal property bequeathed to her in the will of her father, Hector Easton, of Franklin county, shall be and the same is hereby vested in Alexander Easton, an illegitimate child of the said Jane Easton and his assigns: *Provided,* That no other claim of this commonwealth, except that derived from escheat or supposed escheats, shall pass by virtue of this act: *And provided further,* That this act shall not interfere with the rights of this commonwealth, under an act entitled "An act relative to collateral inheritances," passed the seventh April, one thousand eight hundred and twenty-six.

J. Alexander, guardian of R. Arbuthnot authorised to sell and convey certain property.

Proviso.
Father of minor to release.

2d proviso:
Security.

Approval of sale.

Sale of certain property of L. Hershner, a lunatic, authorised.

Proviso.
Surety to court.

SECT. 16. *And be it further enacted by the authority aforesaid,* That Joseph Alexander, guardian of Robert Arbuthnot, of Washington county, be and he is authorised to sell and convey all the right, title, interest and claim of the said Robert Arbuthnot, a minor, in and to a tract of land, situate in Buffaloe township, Washington county, containing about seventy acres; and to execute a title thereto, as fully and effectually as if the said minor had arrived at the age of twenty-one years, and had executed the same: *Provided,* That before a title shall be executed as aforesaid, Robert Arbuthnot, father of said minor, shall release any interest which he may have as tenant by the curtesy: *And provided further,* That the said Joseph Alexander, guardian as aforesaid, shall enter into bond or recognizance, in such sum and with such sufficient surety or sureties, as the orphans' court of Washington county shall direct, for the proper execution of the power hereby granted, and the application and accounting for the proceeds of sale according to law: *And provided also,* That the sale shall be approved by the said court.

SECT. 17. *And be it further enacted by the authority aforesaid* That Henry Hershner, who is acting committee for the person and estate of Lawrence Hershner, of Shrewsbury township, York county, a lunatic, be and he is hereby authorised to sell and convey, at public or private sale, all the right and title of the said Lawrence Hershner, a lunatic, in and to fifty-two acres of land, more or less, situate in the township and county aforesaid, and to convey the same in fee, by a good and sufficient deed or deeds of conveyance, as fully and effectually as the said Lawrence could do were he of sound and disposing mind, memory and understanding: *Provided,* That before such sale is made the said Henry Hershner shall enter into bond, in the name of the commonwealth of Pennsylvania, in such sum and with such surety

as the court of common pleas of York county may direct, for the correct appropriation of and accounting for of the proceeds of sale according to law: *And provided also*, That the sale shall be approved by the said court. Approval of sale.

SECT. 18. *And be it further enacted by the authority aforesaid*, That Robert P. Elder and Elizabeth Elder, guardians of the minor children of Robert Elder, late of Swatara township, in the county of Dauphin, be and they are hereby authorised and empowered to sell at public sale, all the right, title and interests of the minors of said Robert Elder, deceased, in and to a certain tract of land, situate in Armstrong county, containing three hundred and ten acres three quarters, and allowance, bounded by lands of James Alexander, by vacant land, by lands of Joseph Swift, junior, and by lands of John Swift and Andrew Bonner, and convey the same, in fee simple, by a deed, to the purchaser thereof; and the monies arising from the sale thereof, to be by the said Robert P. Elder and Elizabeth Elder, guardians as aforesaid, applied to the improvement of a certain tract of land, situate in Swatara township aforesaid, (other property of said minors) and for the education and maintenance of said minors: *Provided*, That before the said Robert P. Elder and Elizabeth Elder shall make said sale, they shall give bond, with such surety as shall be approved of by the orphans' court of Dauphin county, for the faithful discharge of the duties enjoined on them by this act, and the proper application of the money arising from said sale: *And provided also*, That the sale shall be approved by the said court. Certain sale authorised by guardians of minor children of R. Elder.
Appropriation of proceeds.
Proviso. Security to orphans' court.
Approval.

SECT. 19. *And be it further enacted by the authority aforesaid*, That the escheated estate of Dennis Magee, late of Fayette county, deceased, whether real, personal, or mixed, be, and the same is hereby vested in Conrad Magee, his illegitimate son, with full power and authority to the said Conrad Magee to possess himself of the same, by all lawful ways and means whatsoever, as fully, to all intents and purposes, as if the same Conrad Magee had been born in lawful wedlock: *Provided*, That nothing in this act contained, shall be construed so as to affect any rights or claims, other than those of this commonwealth: *And provided further*, That nothing hereby enacted be so interpreted, so as to affect the operation of the act relative to collateral inheritances. Escheated estate of D. Magee vested in his illegitimate son.
Proviso. Not to affect other claims.

SECT. 20. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, John Gibbs, junior, of the city of Philadelphia, and Susanna Gibbs, also of the said city, shall have and enjoy all and every the rights and privileges, demands and powers, whatsoever, of children born in lawful wedlock to John Gibbs, of the said city; and that they, and their several heirs, executors, and administrators, shall be able and capable in law, to take, hold, inherit, pass, and transmit, all and every estate, real and personal, J. & S. Gibbs legitimized.

Proviso.
Collateral inheritance law.

of whatever kind or nature soever the same may be, at the death of the said John Gibbs, the elder, or the death of any one of the said children, as fully and effectually, to all intents and purposes, in the same manner, as if they had been the children of the said John Gibbs, the elder, born in lawful wedlock: *Provided*, That nothing in this act contained, shall be construed to interfere with the rights of this commonwealth, under an act entitled, "An act relating to collateral inheritances," passed the seventh of April, one thousand eight hundred and twenty-six.

G. Wise,
guardian of
minor children
of E.
Hufford, may
sell certain
property.

SECT. 21. *And be it further enacted by the authority aforesaid*, That George Wise, guardian of the minor children of Elizabeth Hufford, be, and he is authorised to sell, at public or private sale, as shall be most conducive to the interests of his wards, all the right and title which the said minor children of Elizabeth Hufford have, under the will of their grandlather, Mathew Russel, to a tract of land, situate in West Bethlehem township, Washington county, and to execute a deed or deeds of conveyance for the same, to the purchaser or purchasers, as fully and effectually as if the said minors had respectively arrived at full age, and had executed the same: *Provided*, That before sale is made as aforesaid, the said George Wise shall enter into bond or recognizance, in such sum, and with such sufficient surety or sureties, as the orphans' court of Washington county shall direct, conditioned for the proper appropriation of the proceeds of sale, according to law, and accounting for the same, together with interest, when the said minors shall respectively arrive at full age: *And provided also*, That the sale shall be approved by the said court.

Proviso.
Security to
orphans'
court.

**Approval of
sale.**

**Preamble to
22d section.**

WHEREAS, by the last will and testament of Joseph Pearce, Esq. late of Chester county, deceased, Jane Pearce, and Col. Cromwell Pearce, his executors, (after sundry other bequests) were authorised and directed to sell all the rest and residue of his estate, within two years after his death, and by a codicil to said will, were empowered to make all necessary deeds and conveyances for the same: *And whereas*, it has been represented to the legislature, that the said executors were unable to effect a sale within the period named in the said will: Therefore,

**Sale of estate
of Joseph
Pearce.**

SECT. 22. *And be it further enacted by the authority aforesaid*, That the said Jane Pearce and Cromwell Pearce, or the survivor, of them, be, and they are hereby authorised, to sell and dispose of the estate of the said Joseph Pearce, deceased, and to make good and effectual titles to the purchasers, in as full and ample a manner, as if the same had been sold agreeably to the directions, and within the time prescribed in the will of the said deceased.

SECT. 23. *And be it further enacted by the authority aforesaid*, That William Chadderton, of Bucks county, the na-

tural guardian of his minor children, Mary and Phoebe W. Chadderton, be, and he is hereby authorised and empowered to sell, at public or private sale, as may be most conducive to the interest of said minors, all the share or portion, right, title, interest and estate, of his said minor children, of, in, and to, all or any part of two certain tracts of land, situate in Northampton county, on the river Lehigh; one thereof on the west side of said river, at the mouth of Nesquehoning creek, containing one hundred and seventy acres, more or less, together with a small island near the mouth of said creek; and the other on the east side of said river Lehigh, opposite to the first aforesaid tract, containing one hundred and sixty-seven acres and a quarter, or thereabouts; and to convey the same, by good and sufficient instruments of writing, to the purchaser or purchasers thereof, in fee simple, as fully and effectually as if the said minors were of full age, and had conveyed the same: *Provided*, That before the said William Chadderton shall make sale as aforesaid, he shall enter into bond or recognizance, with one or more sureties, before the orphans' court of Northampton county, in such sum as said court may direct, conditioned for the faithful discharge of his duty, and the proper application of the money arising from any sale or sales, made in pursuance of the authority hereby given: *And provided also*, That the sale shall be approved by the said court.

W. Chadderton, as guardian, authorised to sell certain property.

Proviso.
Security.

Approval of
sale.

WHEREAS, by an act of assembly, passed the seventh day of April, A. D. one thousand eight hundred and thirty, Mary Brown, trustee for Melissa L. Moore, was authorised, by and with the consent of the said Melissa L. Moore, to let, on ground rent, forever, (under the restrictions of the said act of assembly mentioned) certain unimproved lots of ground in the county of Philadelphia, and also, to sell a part of the trust estate, to pay a certain mortgage debt due thereon; and the said Mary Brown, the trustee aforesaid, is since deceased, without having executed and performed the said trust, as confided to her by the said act of assembly, and it being doubtful whether a trustee hereafter appointed by the court, could legally execute and perform the said trust; for remedy therefor,

Preamble to
24th section.

SECT. 24. *And be it further enacted by the authority aforesaid*, That all the power and authority vested in the said Mary Brown, by the said act, is hereby vested in any trustee who may hereafter be appointed in the place of the said Mary Brown, deceased, by the supreme court for the eastern district of Pennsylvania, or by the district court for the city and county of Philadelphia, (pursuant to an act of assembly of this commonwealth, passed the fourteenth day of April, A. D. eighteen hundred and twenty-eight, entitled "An act to prevent the failure of trusts, to provide for the settlement

Appointment of trustees in lieu of Mary Brown, deceased.

Vested with
same powers
relative to
property of
M. L. Moore.

of accounts of trustees, and for other purposes;") and that the said trustee, hereafter to be appointed as aforesaid, be, and he or she is hereby authorised to do, execute and perform, all acts and things which the said Mary Brown might or could have done, by virtue of the said act of assembly, and the said deed of trust. And that the said trustee hereafter to be appointed as aforesaid, be, and he or she is hereby authorised, by and with the consent of the said Melissa L. Moore, to sell and dispose of, and by good and sufficient deed or deeds, grant, convey, and assure to the purchaser or purchasers thereof, in fee simple, any part of the said trust estate, improved or unimproved, sufficient in value to raise a sum not exceeding two thousand five hundred dollars, and apply the money so raised to the payment of a certain mortgage debt of two thousand dollars, and its interest, to Clement Remington; which said mortgage debt is secured to him by a certain indenture of mortgage, dated the twenty seventh day of January, in the year of our Lord one thousand eight hundred and twenty-six, and recorded at Philadelphia, in mortgage book G W R, number five, page two hundred and one, &c. on premises situate at the south-east corner of Wood and John-streets, in the district of Spring Garden, and is a part of the said trust estate; also, to pay the expenses of paving the street in front of the unimproved part of the said trust estate, situate on Sixth-street, between Coates-street and Poplar-lane, and of paving and curbing the footway in front of the same premises; and also the expense of filling up the said lots of ground, to the lawful regulation of the district.

Escheated estate of P. Keller vested in executors of John May, Senior.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the title which this commonwealth may have acquired, by reason of an escheat, for want of heirs, of a certain Peter Keller, late of Colerain township, Bedford county, deceased, in and to the real and personal property whereof the said Peter died seized and possessed, is hereby vested in Leonard May and John May, executors of John May, senior, late of Bedford county, for the use and benefit of the heirs of John May, Esq. deceased, and their heirs: *Provided,* That said estate shall be subject to the tax imposed by the act relating to collateral inheritances, passed the seventh of April, one thousand eight hundred and twenty six.

Proviso.
Collateral inheritance tax.

Administrator of estate of A. Miller, authorised to make a certain deed.

SECT. 26. *And be it further enacted by the authority aforesaid,* That Abraham Aurand, administrator of the estate of Andrew Miller, late of Buffaloe township, in Union county, deceased, be, and he is hereby authorised to make, execute, and deliver a deed, in fee simple, to Catharine O'Brian, for a certain house and half lot of ground, situate in the town of Lewisburg, in Union county aforesaid, lying on the east side of Fourth-street, adjoining a lot of Charles Byers, and

others; which deed shall have the same effect as if the said Andrew Miller had made, executed, and delivered the same, in his life time: *Provided*, That the said administrator shall receive the whole, or the balance of purchase money, if any is due, to the estate of the intestate, before the deed is executed; for which the said administrator shall give security in the orphans' court of Union county. Proviso.
Balance of
purchase
money.
Security.

SECT. 27. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for William M. Girr, guardian of Theodore Lindley, a minor, to make sale of the undivided interest of the said Theodore, (being one third part) in and to two tracts of land, situate in Pike run township, Washington county; one of which tracts adjoins lands of Samuel Allen, William Riggs, and others, containing one hundred acres more or less; the other adjoining lands of Allen Stockdale, Samuel Allen, and the Monongahela river, containing one hundred and five acres more or less, either entire or in parcels, as may be most conducive to the interests of said minor, and convey the estate of the said minor in the premises, by good and sufficient deed or deeds of conveyance to the purchaser or purchasers, with the same effect as if the said Theodore Lindley had attained the age of twenty-one years, and had duly executed such conveyance or conveyances in his own proper person: *Provided*, That before said William M. Girr shall make sale as aforesaid, he shall enter into bond on recognizance, with one or more sureties, before the orphans' court of Washington county, in such sum as said court shall direct, conditioned for the faithful discharge of his duty, and the proper application of the money arising from said sale: *And provided further*, That such sale shall not be valid until it shall be reported to and approved of by the orphans' court aforesaid. W. M. Girr,
guardian of
T. Lindley,
authorised to
sell, &c. cer-
tain property.

Proviso.
Security.

Approval of
sale.

SECT. 28. *And be it further enacted by the authority aforesaid*, That Eleazar Carey, of the county of Luzerne, be and he is hereby authorised to sell and convey to Merrit Slocum, all the right, title and interest in a certain tract of land, situate in Pittston township, in said county, containing about forty-five acres more or less, adjoining lands of the Baltimore coal company, and others, which descended to Frances Slocum Carey, and Rhoda Sawyer Carey, minor children of the said Eleazar Carey and Frances Slocum Carey, his wife, now deceased, at the decease of their maternal aunt, Sarah Slocum; and the said Eleazar Carey is hereby vested with authority to execute a deed of conveyance, for the interest which the said minors hold in said tract of land, which conveyance shall be as good and sufficient in law and equity, as if the said minor children were of lawful age, and had executed the said deed of conveyance: *Provided*, That before the said deed of conveyance shall be rendered valid, the said Eleazar Carey shall invest the proceeds of said sale Eleazar Carey
authorised to
sell and con-
vey certain
property.

Proviso.
Investment of
proceeds.

Approval of
sale.

Administra-
tor of estate of
P. Farrelly,
may sell cer-
tain real es-
tate.

Security to
court of com-
mon pleas.

Proviso.
Not to inter-
fere with
other rights.
Approval of
sale.

State Treasu-
rer to refund
in case of es-
cheated estate
of P. Hatz-
field.

Bishop Ken-
rick empow-
ered to sell
and convey
certain prop-
erty in Hun-
tingdon.

Proviso.
Security to
court of com-
mon pleas.

in the stock of the Wyoming bank, at Wilkesbarre, for the sole use, benefit and advantage of the said minor children, without the power or privilege of diverting the same to any other purpose: *And provided also*, That the said sale shall be approved by the orphans' court of said county.

SECT. 29. *And be it further enacted by the authority afore-
said*, That David Derrickson, administrator of the estate of Patrick Farrelly, late of Meadville, Crawford county, Penn-
sylvania, Esquire, who died intestate, be and he is hereby
authorised and empowered to sell so much of the real estate
of which the intestate died seized, in the counties of Erie,
Crawford and Venango, as may be deemed necessary for the
payment of the debts of the said intestate: *Provided always*,
That before the conveyance of the said administrator shall be
sufficient to vest in a purchaser the title to the land sold, he
shall give bond, with one or more sureties, to be approved of
by the court of common pleas, of the county in which the
land that may be sold shall be situate, in double the sum for
which the land shall be sold, conditioned that the said ad-
ministrator shall well and truly execute the trust reposed in
him by virtue of this act, and pay over the money arising
from the sale of the real estate according to law: *Provided
further*, That nothing in this act shall be construed to inter-
fere with the rights of creditors or others: *And provided also*,
That the sale shall be approved by the said court.

SECT. 30. *And be it further enacted by the authority afore-
said*, That the State Treasurer be and he is hereby directed
to pay to Jonas Yocum, of Berks county, the amount of mo-
ney which was paid into the treasury on the fifteenth day of
July, eighteen hundred and thirty, by H. W. Smith, deputy
escheator, of Berks county, on account of the escheated
estate of Polly Hatzfield, late of the said county, deceased.

SECT. 31. *And be it further enacted by the authority afore-
said*, That Francis Patrick Kenrick, acting Roman Catholic
bishop, in the diocese of Philadelphia, or his lawfully con-
stituted attorney, be and he is hereby empowered to sell
and convey, by deed, in fee simple, two certain lots of ground,
situate in the borough of Huntingdon, designated in the ge-
neral plan of said borough, by numbers one hundred and
seventy-four, and one hundred and seventy-five, which said
conveyance shall be good and available in law and equity, to
vest in the purchaser or purchasers all the interest, legal and
equitable in the said lots of ground, which is now held in trust
for the use of the Roman Catholic congregation, in and about
the borough of Huntingdon: *Provided*, That before the said
Francis Patrick Kenrick, or his lawfully constituted attorney
shall effect a sale of the lots of ground aforesaid, he shall give
good and sufficient security in the court of common pleas of
Huntingdon county, conditioned that he will apply the pro-
ceeds of sale towards the discharge of the debt incurred by the
said society in the purchase of other lots of ground, and
erecting a church thereon.

SECT. 32. *And be it further enacted by the authority aforesaid,* That Thomas Kerr, Francis Boggs, and John Knox, commissioners of Mifflin county, and the successors in office of any or all of them, are hereby authorised to sell and convey the jail of said county, and the lot of ground on which it stands, with all and singular the appurtenances thereunto belonging, at public or private sale, as they or a majority of them may think most advisable: *Provided,* That the proceeds of the sale so as aforesaid to be made, shall be paid by the purchaser to the treasurer of said county, for the time being, to be applied by him to county purposes: *And provided also,* That the said treasurer and sureties shall be held liable to the county, on their bond, as in other cases.

Commissioners of Mifflin county, authorised to sell jail and lot.
Proviso.
Proceeds to county purposes.
2d proviso.

SECT. 33. *And be it further enacted by the authority aforesaid,* That all the estate, right, title, interest, claim and demand, legal or equitable, of Thomas Billington, the elder, of Philadelphia, in his life time, in and to any lands, tenements and hereditaments in Pennsylvania, which upon his decease descended to, and is now owned or possessed by his heirs, or to which the said heirs have the right of possession or property, according to the intestate laws of this commonwealth, shall be, and is hereby declared to be vested in Henry Billington, of Philadelphia, his heirs and assigns forever, to have and to hold all and singular, the said estate, right, title, interest, claim and demand, legal and equitable as aforesaid, unto him the said Henry Billington, his heirs and assigns, to and upon this special trust and confidence, nevertheless, and to this end and purpose, to wit: That he, the said Henry Billington, his heirs or assigns shall sell and dispose of, any and all of the said estate, at any time and in any manner, he or they may deem expedient, for the best price which may reasonably be obtained for the same, and execute and deliver to the purchaser or purchasers, good and sufficient conveyance and assurance in the law for the same, and to his, her or their heirs or assigns, and to the same end and purpose, and in his or their own names, but to the uses following: he or they shall and may use any and every lawful means, for the recovery of the possession or property, of any and every part of the said estate, which he the said Henry Billington, his heirs or assigns, may in his or their discretion judge proper, and that he shall apply the proceeds of the said sales, in the first place to defray the reasonable expenses of the execution of this trust, and the balance to divide among the said heirs, and legal representatives of the said Thomas Billington, the elder, their executors, administrators or assigns, in shares equal and according, to their respective legal interests in the said property: *Provided nevertheless,* That nothing in this section contained, shall confer any power whatsoever, upon the said Henry Billington, until he shall have given bond, with full and ample security, to the satisfaction of the

Estate of Thomas, vested in Henry Billington.

Sale.

Conveyance

Application of proceeds.

Proviso.
Security to court of common pleas.

Specification
under oath to
be filed.

judges of the court of common pleas, of the city and county of Philadelphia, conditioned for the faithful performance, and due execution of all and every act or acts herein contained, and the just indemnity of all and every party therein interested: *And provided also*, That he shall have filed, upon oath or affirmation, a specification of the estate mentioned, or intended to be embraced by this act, in the office of the prothonotary of the said court, which shall be satisfactory to the judges thereof.

J. Stayman,
guardian of
minor chil-
dren of O:
Evans, autho-
rised to sell
and convey
certain pro-
perty.

SECT. 54. *And be it further enacted by the authority aforesaid*, That Joseph Stayman, guardian of the minor children of Owen Evans, late of Cumberland county, deceased, be and he is hereby authorised to sell at public or private sale, the right, title and interest of the said minor children, in and to a certain tract of land, containing twenty acres, be the same more or less, situate in Dickinson township, county aforesaid, adjoining lands of the heirs of Nicholas Horting, and others, belonging to the heirs of the said Owen Evans, deceased, and to execute a deed to the purchaser thereof, for such right, title and interest, as the said minor children have therein: *Provided however*, That before any such sale shall be valid, it shall be approved of by the orphans' court of Cumberland county, and the said Joseph Stayman, shall give security, to be approved of by the said court, for the faithful appropriation of the proceeds of the said sale according to law.

Proviso.
Approval of
sale.

Guardians of
minor chil-
dren of John
Laughlin
authorised to
sell and con-
vey a certain
tract of land.

SECT. 55. *And be it further enacted by the authority aforesaid*, That Joshua Marlin, of Indiana county, and James McCahan, of Huntingdon county, guardians of the minor children of John Laughlin, late of Indiana county, be and they are hereby authorised and empowered to sell at public or private sale, and convey and make title, as shall be most conducive to the interest of the minor children aforesaid, all the right title and interest in and to a certain tract of land, No. 5844, situate in Armstrong county, containing four hundred and forty acres and seventy four perches, and allowance of six per cent. for roads, belonging to the minor children of John Laughlin, deceased, aforesaid: *Provided*, That before Joshua Marlin, and James McCahan, guardians aforesaid, make sale, they shall give bond, with such sureties as shall be approved of by the orphans' court of Indiana county, for the faithful discharge of the duties enjoined on them by this act, and proper application of the money arising from said sale, which sale shall be approved by said court.

Proviso.
Security.

Approval of
sale.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 193.

AN ACT

For the preservation and repair of the Cumberland road.

WHEREAS, that part of the Cumberland road, lying within the state of Pennsylvania, is in many parts in bad condition for want of repairs, and as doubts have been entertained, whether the United States have authority to erect toll gates on said road, and collect toll; and as a large proportion of the people of this commonwealth are interested in said road, and its constant continuance and preservation:

Preamble.

Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That as soon as the consent of the Government of the United States shall have been obtained, as hereinafter provided, William F. Coplan, David Downer, of Fayette county, Stephen Hill, Benjamin Anderson, of Washington county, and Thomas Endsley, of Smithfield, Somerset county, shall be and they are hereby appointed commissioners, a majority of whom shall be sufficient to transact business, who shall hold their offices for three years after the passage of this act, after which the right of appointing said commissioners shall vest in the Governor of this commonwealth, to build toll houses, and erect toll gates at suitable distances, on so much of the Cumberland road as lies within the state of Pennsylvania: *Provided,* That if any one or more of the said commissioners should die, resign or refuse to serve, the Governor shall appoint one or more other commissioners to fill the vacancies so happening: *And provided also,* That nothing herein contained shall be construed to prevent the Governor from re-appointing the commissioners named in this act, if he thinks proper.

Upon consent of general government, commissioners appointed for 3 years.

Governor to appoint successors.

Proviso. Vacancies to be supplied by Governor.

SECT. 2. *And be it further enacted by the authority aforesaid,* That for the purposes of keeping so much of the said road in repair as lies within the state of Pennsylvania, and paying the expenses of collection and other incidental expenses, the commissioners shall cause to be erected on so much of the said road as passes within this state, at least six gates; and that as soon as said gates and toll houses shall be erected, it shall be the duty of the toll collectors, and they are hereby required to demand and receive for passing the said gates, the tolls hereafter mentioned; and they may stop any person riding, leading or driving any horses, cattle, sulky, chair, phaeton, cart, chaise, wagon, sleigh, sled or other carriage of burden or pleasure, from passing through the said

Erection of gates for collection of toll.

Rates of toll.

gates, until they shall respectively have paid for passing the same, that is to say: for every space of fourteen miles in length on said road, the following sums of money, and so in proportion for every greater or lesser distance; the rates of toll to be collected at each gate, shall be the following, to wit: for every score of sheep or hogs six cents; for every score of cattle twelve cents; for every led or drove horse three cents; for every horse and rider four cents; for every sleigh or sled, for each horse or pair of oxen drawing the same three cents; for every dearborn, sulkey, chair or chaise with one horse six cents; for every chariot, coach, coachee, stage, wagon, phaeton, chaise, or with two horses and four wheels twelve cents; for either of the carriages last mentioned with four horses eighteen cents; for every other carriage of pleasure, under whatever name it may go, the like sum, according to the number of wheels and horses drawing the same; for every cart or wagon whose wheels shall exceed two and a half inches in breadth, and not exceeding four inches four cents, for every horse or pair of oxen drawing the same; and every other cart or wagon whose wheels shall exceed four inches and not exceeding five inches in breadth three cents, for every horse or pair of oxen drawing the same; and for every other cart or wagon whose wheels shall exceed six inches and not more than eight inches two cents, for every horse or pair of oxen drawing the same; all other carts or wagons whose wheels shall exceed eight inches in breadth shall pass the said gates free of tolls: *Provided*, That the commissioners appointed by the first section of this act, may commute the rates of toll with any person or persons, by taking of him or them a certain sum annually, in lieu of the tolls aforesaid: *And provided also*, That nothing in this act shall be construed so as to authorise any tolls to be received or collected from any person or persons passing or re-passing from one part of his farm to another, or to or from a mill, or to or from any place of public worship, funeral, militia training, elections or from any student or child going to or from any school or seminary of learning, or from persons and witnesses going to and returning from courts: *And provided further*, That no toll shall be received or collected for the passage of any wagon or carriage laden with the property of the United States, or any cannon or military stores belonging to the United States or to any of the states composing this union.

Proviso.
Annual
agreements.

2d proviso.
Exempts.

3d proviso.
U. S. and state
property to
pass free.

Appointment
of toll collec-
tors.
Settlement of
accounts, &c.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said commissioners shall appoint proper and suitable persons as toll gatherers, who shall settle their accounts quarterly with the commissioners, and at all other times, when thereunto required; and shall, at all times, pay over to them, on demand, the amount of tolls by them collected; and it shall be the duty of the said commissioners, to render

annually, to the court of quarter sessions of the respective counties through which the road passes, an account of the tolls received and expenses incurred on said road, on oath or affirmation, and publish the same in one or more newspapers in each county, through which the road passes; and they shall each receive a compensation of two dollars per day, for every day that they shall be engaged on the business of said road: *Provided*, That the annual compensation to any one commissioner, shall not exceed the sum of one hundred dollars.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the amount of tolls, after deducting therefrom the expenses and charges of collection, and compensation of commissioners, shall be applied, under the direction of the commissioners, to the repairs and preservation of said road, in such manner, and under such regulations, as they from time to time prescribe, and to no other purpose whatever; and the said commissioners shall have power to increase or diminish the rates of toll: *Provided*, That the same shall at no time be increased beyond the rates of toll established by an act, entitled "An act authorising the Governor to incorporate a company, for making an artificial road, from the bank of the river Susquehanna, opposite the borough of Harrisburg, to Pittsburg, passed the twenty-fourth day of February, one thousand eight hundred and six.

SECT. 5. *And be it further enacted by the authority aforesaid*, That directors shall be set up at proper and convenient situations, to caution all conductors or drivers of carriages, on the road aforesaid, that they shall, at all times, pass on the left of each other, under the penalty of two dollars for every offence.

SECT. 6. *And be it further enacted by the authority aforesaid*, That if any of the toll gatherers shall unreasonably delay or hinder, any passenger or traveller, at any of the gates, or shall demand or receive more toll than may be established under this act, he shall, for each and every offence, forfeit and pay to the party so aggrieved, the sum of twenty dollars.

SECT. 7. *And be it further enacted by the authority aforesaid*, That if any person or persons, shall wilfully, and of purpose, throw down, or otherwise injure, any of the walls, bridges, culverts, or other works on said road, or shall otherwise wilfully injure or obstruct the passage of the said road unnecessarily, the person or persons so offending, shall forfeit and pay, for every such offence, any sum not less than five, or more than fifty dollars, to be collected and applied as is directed in the ninth section of this act.

SECT. 8. *And be it further enacted by the authority aforesaid*, That the toll gatherers on said road, shall respectively receive compensation for their services, at the rate of twelve per cent. on the amount of tolls by them respectively col-

Annual publication.
Compensation of commissioners.

Application of proceeds.

Proviso.
Increase of rates of toll.

Caution to drivers.

Penalty on misconduct of toll gatherers.

On wilfully injuring property.

Compensation of toll gatherers.

lected: *Provided*, That the annual compensation of any toll gatherer, shall never exceed the sum of two hundred dollars.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the penalties and forfeitures which may be incurred under this act, shall and may be sued for and recovered, in the name of the commissioners of the road, without naming them as individuals, or of any person prosecuting the same; the one moiety thereof to the use of the commonwealth, the other to the person so prosecuting for the same, before any magistrate or court having jurisdiction in like cases.

SECT. 10. *And be it further enacted by the authority aforesaid*, That this act shall not have any force or effect, until the Congress of the United States shall assent to the same, and until so much of the said road as passes through the state of Pennsylvania, be first put in a good state of repair, and an appropriation made by congress for erecting toll houses and toll gates thereon, to be expended under the authority of the commissioners appointed by this act: *Provided*, The legislature of this state may, at any future session thereof, change, alter, or amend this act, provided that the same shall not be so altered or amended, as to reduce or increase the rates of toll hereby established, below or above a sum necessary to defray the expenses incident to the preservation and repair of said road, for the payment of the fees or salaries of the commissioners, the collectors of tolls, and other agents: *And provided further*, That no change, alteration, or amendment, shall ever be adopted, that will in any wise defeat or affect the true intent and meaning of this act.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 194.

AN ACT

To provide for the erection of a house for the employment and support of the poor, in the county of Schuylkill.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the commissioners of the county of Schuylkill, shall have power to direct that a house for the employment

County commissioners to erect a house.

and support of the poor, be erected in said county, and John C. Offerman, Michael Graeff, Samuel R. Kepner, John Barr, John Hughes, Simon Marborger, and William Griff, be and they are hereby appointed, whose duty it shall be or any five of them, on or before the first day of September next, to determine upon and purchase a scite, on which the said buildings shall be erected; and it shall be lawful for the persons above named, or a majority of them to take conveyances therefor, in the name of and for the use of the corporations mentioned in the third section of this act; and they shall certify their proceedings therein, under their hands and seals, to the clerk of the court of quarter sessions of the county of Schuylkill, to be filed in his office; and at the next general election the inhabitants of said county, qualified to vote for members of the legislature, shall elect three reputable citizens of said county, to be directors of the house of employment for the county of Schuylkill, for the ensuing year; and the judges of the election of the said county, shall immediately on receiving the returns from the several election districts, and casting up the number of votes therein, and within three days thereafter certify, under their hands and seals, the names of the directors so chosen, to the clerk of the court of quarter sessions of said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors, of their being elected; and the said directors shall meet at the court house in said county, on the first Monday in November next, ensuing their election, and divide themselves by lot into three classes; the place of the first to be vacated at the expiration of the first year, of the second at the expiration of the second year, and of the third at the expiration of the third year, so that those who shall be chosen after the first election, and in the mode above described may serve for three years, and one third be chosen annually.

Persons appointed to fix on scite.

Mode, &c. of proceeding.

Election of directors.

Their meeting and classification.

SECT. 2. *And be it further enacted by the authority aforesaid,* That every director elected in manner aforesaid, or appointed as is directed by the eleventh section of this act, shall within ten days after he is notified of such election or appointment, and before he enters on the duties of said office, take an oath or affirmation, before any justice of the peace of said county, who is hereby authorised to administer the same, that he will discharge the duties of director of the poor for said county, truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal, to take the said oath or affirmation, within the time aforesaid, he shall forfeit and pay the sum of ten dollars, for the use of the poor of said county, which fine shall be recovered by the directors for the time being, as debts of the same amount are or shall be by law recoverable.

Oaths of office

Penalty on refusal or neglect.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said directors shall forever hereafter in law, and in

Incorporation

	fact be one body politic and corporate in law, to all intents and purposes, whatsoever, relative to the poor of the county of Schuylkill, and shall have perpetual succession, and may sue and be sued, plead and be impleaded by the name, style and title of "The directors of the poor and of the house of employment for the county of Schuylkill," and by that name shall and may receive, take and hold, any lands, tenements and hereditaments, not exceeding the yearly value of ten thousand dollars, and any goods and chattels whatsoever, of the gift, alienation or bequest, of any person or persons whatsoever; to purchase, take and hold, any land and tenements within their county, in fee simple or otherwise, and erect suitable buildings, for the reception, use and accommodation of the poor of said county; to provide all things necessary for the reception, lodging, maintenance and employment of said poor; to appoint a treasurer, annually, who shall give bond, with sufficient surety, for the faithful discharge of the duties of his office, and at the expiration thereof, that he will well and truly pay and deliver over to his successor in office, all moneys, bonds, notes, books, accounts and other papers to the said corporation belonging, which shall be then remaining in his hands, custody and possession; and said directors shall employ, and at pleasure remove a steward or stewards, and require from him or them an oath or affirmation, and such security for the faithful performance of his or their duties, as the board of directors shall deem expedient; and to appoint a matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor respectively, and at pleasure remove; and to bind out as apprentices, so that such apprenticeship may expire, if males at or before the age of twenty one years, if females at or before the age of eighteen years, such poor children as shall come under their care; and to exercise and enjoy all such powers, now vested in the overseers of the poor; and the said directors are hereby empowered, to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter or renew.
Style.	
Privileges, &c.	
Appointment of treasurer.	
Stewards.	
Matrons, Physicians, &c.	
Powers of overseers vested in directors.	
Estimate of expenses.	SECT. 4. <i>And be it further enacted by the authority aforesaid,</i> The said directors as soon as may be, after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands, erecting the necessary building, and furnishing the same, and the maintaining the poor within the said county for one year, whereupon the county commissioners of the said county, shall and they are hereby authorised and required, to increase the county tax by one-fourth part of the sum necessary, for the purposes aforesaid, and shall procure a loan, on the credit of the taxes herein directed to be levied, the remaining three fourths thereof, to be paid in instalments, with interest, out of the
Increase of county tax. Loan.	

county taxes: *Provided always*, That if such loan cannot be made, the whole amount of the sum necessary, for the purpose aforesaid, or such part thereof, as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer, to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

Proviso.

For failure to obtain loan.

SECT. 5. *And be it further enacted by the authority aforesaid,*

That it shall be the duty of the said directors, on or before the first day of November, in each and every year, to furnish the commissioners of said county, with an estimate of the probable expense of the poor, and poor house for one year; and it shall be the duty of said commissioners to assess, and cause to be collected, the amount of said estimate, which shall be paid to said directors, by the county treasurers, on warrants drawn in their favor by the county commissioners, as the same may be found necessary; and the said directors shall at least once in every year, render an account of all monies by them received and expended, to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations as are by law directed, respecting the accounts of the county commissioners, and shall at least once in every year, lay before the court of quarter sessions, and grand jury of said county, a list of the number, ages and sex of the persons maintained and employed in the said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship as aforesaid, with the names of their masters or mistresses, and their trade, occupation or calling, and shall at all times when thereunto required, submit to the inspection and free examination of such visitors, as shall from time to time be appointed, by the court of quarter sessions of the said county, all their books and accounts, together with the rents, interest and monies, payable and receivable by the said corporation, and also an account of all sales, purchases, donations, devises and bequests, as shall have been made by or to them.

Annual estimate.

Warrants on treasurer.

Annual statement to auditors.

Annual report to court.

Appointment of visitors by court.

SECT. 6. *And be it further enacted by the authority aforesaid,*

That as soon as the said building shall be erected, and all necessary accommodations provided therein notices, shall be sent, signed by any two of the said directors, to the overseers of the several townships, of the said county of Schuylkill, requiring them forthwith, to bring the poor of their respective townships, to said house of employment, which order the said overseers, are hereby enjoined and required to comply with or otherwise to forfeit the costs of all future maintenance, except in cases when by sickness, or any other sufficient cause, any poor person cannot be removed, in which case the said overseers shall represent the same, to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at

On completion of building arrangement for removal of paupers.

Support of persons unable to be removed. the same time issue an order, under his hand and seal, to the said overseers, directing them to maintain such poor, until such time as he or she may be in a situation to be removed, and then convey the said pauper, and deliver him or her to the steward or keeper of the said house of employment, together with the said order, and the charge and expense of such temporary relief, and of such removal shall be paid by the said directors, at a reasonable allowance.

Who are entitled to relief. *SECT. 7. And be it further enacted by the authority aforesaid,* That the said directors shall from time to time receive, provide for and employ according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Schuylkill, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Schuylkill; and the said directors are hereby authorised when they shall deem it proper and convenient so to do, to permit any person or persons to be maintained elsewhere: *Provided*, the expense of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said county of Schuylkill.

Support of out-door paupers. Proviso.

General powers of directors. *SECT. 8. And be it further enacted by the authority aforesaid,* That the said directors or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain all such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their cognizance: *Provided*, the same be not repugnant to this law, or any of the other laws of this state or of the United States: *And provided also*, That the same shall not have any force or effect, until they shall have been submitted to the court of common pleas, for the time being, of the county of Schuylkill, and shall have received the approbation of the same.

Proviso. Of the by-laws.

Directors to visit house monthly. *SECT. 9. And be it further enacted by the authority aforesaid,* That a quorum of said directors shall and they are hereby enjoined and required to meet at the said house of employment, at least once in every month, and visit the apartments and see that the poor are comfortably supported, and hear all complaints and redress or cause to be redressed, all grievances that may happen by the neglect or misconduct of any person or persons in their employment or otherwise.

Expenses of directors. *SECT. 10. And be it further enacted by the authority aforesaid,* That the said directors shall each of them receive for their services the sum of twenty dollars annually, to defray the expenses of their necessary attendance on the duties of their office.

SECT. 11. *And be it further enacted by the authority aforesaid,* That in case of any vacancy by death, resignation or otherwise, of any of the said directors, the commissioners of the county aforesaid shall fill such vacancy, by the appointment of a citizen of their county, under the same penalty as is provided by the third section of this act, to serve until the next general election, when another director shall be elected to serve as if no such vacancy had happened.

Vacancies in board, how filled.

SECT. 12. *And be it further enacted by the authority aforesaid,* That all claims and demands in relation to the poor in the aforesaid county, existing at the time of this act being carried into effect, shall have full force and effect as if this act had not been passed; and when the same shall have been duly adjusted and settled all moneys remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships in the county of Schuylkill, shall be paid over to the supervisors of the highways of their respective townships, to be by them applied towards repairing the roads therein.

Balances of poor funds to be paid over to supervisors

SECT. 13. *And be it further enacted by the authority aforesaid,* That as soon as the poor of the county of Schuylkill, shall be removed to the house of employment of the said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within the said county, shall from thenceforth be abolished.

Office of supervisor abolished.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the powers conferred and the duties imposed on the overseers of the poor, in and by an act to empower the overseers and guardians of the poor of the several townships within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways in the said county of Schuylkill, and that the justices of the peace and sheriff within the said county, are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, forfeitures and penalties, within the time and in the manner prescribed by the said act for the payment thereof in other counties, to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors, within the time and in the manner aforesaid, and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justices of the peace and sheriff in the said county, shall be subject to all fines, penalties and forfeitures to which the justices and sheriffs in other counties by the said act are subject or liable.

Certain powers, funds, &c. vested in supervisors of highways.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the commissioners of said county are hereby authorised and empowered to pay to the persons who are appointed by this act to fix the place where the building for the

Expenses of persons appointed to fix on scite.

Compensation of building committee.

accommodation of the poor in the said county shall be erected, such sums of money as will be sufficient to reimburse them for their expenses; and also to pay to each of the said directors, such sum of money as, together with the annual sum allowed them by this act, in the opinion of the commissioners, shall be a reasonable compensation for their services during the term they are employed in erecting the building aforesaid.

Power of directors to administer oaths, &c.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the said directors for the time being and their successors in office, are hereby authorised and empowered to administer the necessary oaths or affirmations to paupers or other persons in the examination; after the place of the last legal settlement of a pauper, and to issue the necessary orders for removal.

Repealing clause.

SECT. 17. *And be it further enacted by the authority aforesaid,* That so much of the laws of this commonwealth, relating to the poor, as are by this act altered or supplied, be and the same is hereby repealed, so far as they affect the county of Schuylkill.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 195.

AN ACT

To authorise the Governor to incorporate a company, to make a canal navigation round the western abutment of the permanent bridge, over the river Schuylkill, at the city of Philadelphia.

Commissioners appointed to open books.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George N. Baker, W. G. Alexander, John Snyder, B. Augustus Stevenson, M. E. Israel, Joseph A. Clay, George F. Goodman, Jacob Souder, Michael Baker, Henry Leech, John Naglee, David Hoopes, Joseph L. Thomas, Joseph B. Haines, William McGlinchy, Joseph B. Mitchell, Robert C. Martin, James M. Cormack, John Waters, John Crean, George Emerick, or a majority of them, be,

and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first Monday of May next, procure books, one or more of which shall be opened at some convenient place or places, in the city or county of Philadelphia, in which the following entries shall be made:

“ We, whose names are hereunto subscribed, do promise to pay, to the West Philadelphia canal company, fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall

be determined by the president and managers of said company, in pursuance of an act to authorise the Governor to incorporate a company to make a canal navigation round the western abutment of the permanent bridge, over the river Schuylkill, at the city of Philadelphia. Witness our hands, this day of , A. D. eighteen hundred and

,” and shall thereupon give notice, in at least two newspapers printed in the city of Philadelphia, for two

weeks, of the times and place or places, when and where the said books are to be opened, to receive subscriptions for the stock of said company, at which respective times, and place or places, at least two of the said commissioners shall

attend, and permit all persons of lawful age, who shall offer, to subscribe in said books, in their own name, or

the name of any other person who shall authorise the same, for any number of shares in the said stock; and the said

books shall be kept open, for the purpose aforesaid, for at least four hours in every juridical day, for the space of

three days, or until there shall be subscribed four hundred shares; and if, at the expiration of said three days, there

shall not be subscribed upon the books aforesaid the number of shares aforesaid, the said commissioners may adjourn,

from time to time, and transfer the said books elsewhere, until the whole number of four hundred shares shall be sub-

scribed, of which adjournment and transfer, the commis-

sioners shall give such notice as the occasion may require; and when the whole number of four hundred shares shall be

subscribed, the said books shall be closed: *Provided always*, That every person offering to subscribe in said books, in

his own or any other person's name, shall previously pay to the attending commissioners the sum of five dollars on each

share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions, and

other incidental expenses, and the remainder shall be paid to the treasurer of the corporation, as soon as the same shall

be organized, and the officers chosen, as hereinafter men-

tioned.

SECT. 2 *And be it further enacted by the authority aforesaid,*

That when the said four hundred shares shall have been sub-

scribed by ten or more persons, and the sum of five dollars

Form of sub-
scription.
\$50 pershare.

Notice.

Who may
subscribe.

Whole No.
400 shares.

Proviso.
\$5 to be paid
on each share
upon sub-
scription.

When stock is taken by 10 persons and wardens of the port certify, Governor may incorporate.

Style and title.

Privileges and liabilities

paid on each share, and a certificate had from the wardens of the port of Philadelphia. they, the said wardens, having first examined and enquired into the nature of the contemplated improvement, that such canal or improvement will not, in their opinion, tend to impede the navigation of the river Schuylkill, south of the permanent bridge, by the formation of a bar or bars, in said river, the commissioners, or a majority of them, shall certify to the Governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and produce evidence that the certificate of said wardens has been given as aforesaid; whereupon the Governor shall, by letters patent, under the greater seal of the commonwealth, create and constitute the subscribers into a body politic and corporate, by the name, style and title, of the "West Philadelphia canal company;" and by the same name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same, by new subscriptions, in such manner and form as they may think proper, if such enlargement shall be found necessary to fulfil the intention and purposes of this act; and of purchasing, taking and holding, to them, their successors and assigns, in fee, or for any less estate, such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their business as a canal company; and of suing and being sued, and doing other matters and things which a body politic and corporate may lawfully do.

First election

Officers pro tem.

By-laws, &c.

Annual election.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners hereinbefore named, or a majority of them, shall, as soon as conveniently may be, after the said letters patent have been obtained, give at least ten days notice, in the newspapers hereinafter mentioned, of a time and place by them appointed, for the subscribers to meet, in order to organize the said company, and to choose, by a majority of votes of the subscribers, given in person or by proxy, duly authorised, one president, five managers, and a treasurer, and such other officers as shall be deemed necessary to conduct the business of the said company, until the second Monday of May next, ensuing, and until like officers shall be chosen; and may make then, or at any subsequent meeting, such by-laws, rules, orders and regulations, as do not contravene the constitutions and laws of the United States, or of this state, as may be necessary for the well governing of the affairs of the said company.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet annually, on the second Monday of May of each year, at such place as may be fixed upon by the board of managers, of which at least

ten days notice shall be given by the treasurer, in the newspapers before mentioned, and choose, by the votes of a majority of those present, in person or by proxy, as aforesaid, the officers mentioned in the third section of this act, Special meetings. who shall continue in office for one year, and until others are chosen, and at such other times as they shall be summoned by the managers, in such manner and form, as shall be prescribed by the by-laws; at which annual or special meeting, they shall have full power to make, alter, or repeal, by a majority of votes. in manner aforesaid, all such by laws, rules, orders and regulations, made as aforesaid; and to do all and any other corporate act or acts: *Provided always*, Provision. That no one person shall be entitled to more than ten votes, One vote each at any election or meeting, whatever number of shares he share up to 10 may hold; and that each person shall be entitled to one vote for each share held by him or her, not exceeding that number.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said president and managers shall meet at such times as shall be found by them most convenient; and when met, three shall form a quorum, who, in the absence of the president, shall choose a chairman, and keep minutes of all their proceedings fairly entered in a book; and a quorum being formed, shall have full power to appoint surveyors, engineers, superintendents, and all other artists and officers necessary to carry on their intended works; to fix their salaries and wages; to ascertain the times, manner, and proportions, in which the stockholders shall pay the moneys due on their respective shares; to draw orders on the treasurer, provided such orders be signed by the president, or in his absence by a majority of the quorum present; and generally to do all such other acts, matters and things, as by this act, and by their by-laws and the regulations of the company, they are authorised to do. General powers of president and managers.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president and managers shall, as soon as is convenient, procure certificates or evidences of stock, for all the shares of the said company; and shall deliver one such certificate, signed by the president, countersigned by the treasurer and sealed with the corporate seal of the said company, to each person, for every share of stock by him subscribed or held, he paying five dollars for each share; which certificate or evidence of stock, shall be transferable at his pleasure, in person, or by attorney duly authorised, in the presence of the president or treasurer, who shall keep a book for that purpose, subject, however, to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in the books of the company, kept for the transfers of stock, shall be a member of said corporation; and for every certi- Certificates of stock. Transferable.

Rights of
assignees.

ficate assigned to him as aforesaid, shall be entitled to one share of said capital stock, and of all the estates, emoluments and dividends of the said company, incident to one share; and to vote as aforesaid at the meetings thereof, and be subject to all penalties and forfeitures, and to be sued for all balances and penalties due on such share, as the original subscribers would have been.

Penalty on
failure to pay
instalments.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days, after the time so appointed, every such stockholder or his assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month, for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time, as that the accumulated penalty shall become equal to the sums before paid in part, and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such price as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the said president and managers may at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided,* That no stockholder whether original subscriber or assignee, shall be entitled to vote at any election or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable, more than thirty days previously to the said election or meeting.

Forfeiture of
shares, &c.

Proviso.
Delinquents
not to vote.

Right to oc-
cupy ground
requisite for
canal.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall have power and authority by themselves or their superintendents, engineers, artists and workmen, to enter in and upon and occupy for the purpose, all the land which shall be necessary and suitable for constructing said canal, doing as little damage as possible, and then to dig, construct, make and erect such canal, satisfying the owner or owners thereof; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint six suitable and judicious persons, who shall be under oath or affirmation, and who shall reside within the proper county where the land lies; or if they cannot agree on such persons, then either of the parties may apply to the court of common pleas of the county of Philadelphia, and said court shall award a venire, directed to

Arrangement
for ascertain-
ing damages.

Appointment
of viewers,
&c.

the sheriff to summon a jury of disinterested men, in order to ascertain and report to said court what damages, if any, have been sustained by the owner or owners of said ground, by reason of such canal passing through his, her or their land; which report being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non-payment for the sum awarded, with reasonable cost, to be assessed by the court; and it shall be the duty of the jury or the six appraisers, as the case may be, in valuing any land, to take into consideration the advantage derived to the owner or owners of the premises from the said navigation passing through the same: *Provided*, That either party may appeal to the court within thirty days, after such report may have been filed in the prothonotary's office of the said county, in the same manner as appeals are allowed in other cases: *And provided also*, That if any person owning land or any other property which shall be affected by this act, be feme covert, under age, non-compos-mentis, or out of the state, then and in either of the cases the president, managers and company, shall within one year thereafter, represent the same to a neighbouring justice of the peace or to the court of common pleas of the said county, as the case may be, who shall proceed thereon, in the same manner and to the same effect as is directed by this act in similar cases.

Proviso.

Appeal from decision.

2d proviso.

Proceeding where owners cannot be found.

SEC. 9. *And be it further enacted by the authority aforesaid,*

That the president and managers, their superintendents, engineers, artists, workmen and labourers with their tools, instruments, carts, wagons and other carriages and beasts of burden or draft, may enter upon the lands contiguous to the route of the said canal, giving notice to the owners thereof, and from thence take and carry away any stone, gravel, sand or earth, doing as little damage as possible, and repairing any breaches they make in the enclosures thereof, and making amends for any damages that may be done thereon, and paying for the materials taken away; the amount thereof, if the parties do not agree, to be assessed and valued by any three disinterested freeholders of the said county, under oath or affirmation, to be appointed by consent of parties; or if they cannot agree, by the court of common pleas of the said county, upon petition, from whose decision an appeal may be entered as in the eighth section of this act.

Right to enter upon contiguous lands for materials.

Damages, how valued.

SEC. 10. *And be it further enacted by the authority aforesaid,*

That as soon as the said president, managers and company shall have perfected the said canal or navigation, they shall give notice thereof to the Governor, who shall thereupon nominate and appoint three disinterested persons, to view and examine the same, and report to him in writing, under oath or affirmation, whether the said navigation is executed

On completion of work, Governor to appoint viewers.

License to
take toll.

Proviso.
Graduation of
tolls so as to
produce 6 per
cent on capi-
tal.

Collection of
toll authori-
sed.

Annual state-
ment of offi-
cers to stock-
holders.

in a masterly workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the Governor shall, by license, under his hand and the less seal of this commonwealth, permit the said president, managers and company or such person or persons as they shall from time to time appoint as toll collectors or their deputies, to demand and receive toll of and from the persons having the charge of any boat, ark or other vessel passing through said canal: *Provided*, That if at the expiration of two years after the said work shall be completed, the tolls should enable the company after paying all repairs and other necessary expenses, to divide more than six per centum per annum on the capital stock expended, then and in such case the tolls shall be so reduced that the dividends shall not exceed six per cent. and shall so continue for five years; and if at the expiration of that time, they shall exceed six per cent. they shall be so reduced as not to exceed six per cent, and shall at that period be so regulated from time to time as not to exceed six per cent. per annum; and if at any time after the expiration of two years from the completion of the said work, the nett profits aforesaid shall not amount to six per cent. upon the money expended, it shall be lawful to raise the said tolls so as to divide six per cent.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the toll collectors appointed as aforesaid, shall and they are hereby authorised not to permit the passage of any boat or vessel through the said canal, until the tolls fixed by the company are first paid and discharged by the owner, skipper or supercargo, or may bring suit for the same against said owner, skipper or supercargo, before any competent tribunal, according to law, in the name of the said company.

SECT. 12. *And be it further enacted by the authority aforesaid*, That the president and managers of the said company, shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions, of all penalties for delay in the payment thereof, and the amount of the profits on the shares which may be forfeited as aforesaid; and also of all moneys by them expended in the prosecution of the said works, and shall in every year submit such accounts to the stockholders, at their annual meeting to choose the officers of the company, and the aggregate amount of such receipts and expenditures shall be ascertained, and if upon such liquidation or when the capital stock shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said navigation, according to the true intent and meaning of this act, it shall and may be lawful for the said president,

managers and company at a stated or special meeting, to be convened for the purpose, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to receive and demand, the moneys for shares so subscribed in like manner, and under like penalties, as are hereinbefore provided for the original subscription, or as shall be provided by their by-laws.

Increase of
capital stock.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall also keep a just and true account of all the moneys received by their several and respective collectors of tolls, and other emoluments and shall make and declare a dividend of the clear profits and income thereof among all the stockholders, all contingent costs and charges being first deducted, and shall on the second Monday in November, and the second Monday in May, every year, publish the half yearly dividends made of the clear profit, and the time when and where the same will be paid to the stockholders, not exceeding twenty days thereafter, and shall cause the same to be paid accordingly, and shall once in every three years, from the passing of this act, lay an abstract of the accounts of their receipts and disbursements before the legislature.

Semi-annual
declaration of
dividends.

Triennial ab-
stract to le-
gislation.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if the president, managers and company, shall not proceed to carry on said work, within three years from the passing of this act, and shall not complete the navigation as aforesaid, in five years, according to the true intent and meaning of this act, then and in either of those cases, all and singular the rights, privileges, liberties and franchises, hereby granted to said company, shall revert to the commonwealth.

Time of com-
mencement
and comple-
tion.

SECT. 15. *And be it further enacted by the authority aforesaid,* That before the said company shall commence the construction of said canal, they shall cause an accurate plan thereof to be made, which said plan shall be submitted to an engineer or engineers, to be named and appointed by the canal commissioners of the state of Pennsylvania, who, at the expense of the said company, shall resurvey, and particularly examine the same, and shall certify whether the execution thereof, according to the said plan, will or will not injure the safety or solidity of the said permanent bridge, and if in his or their opinion, it will so injure the said permanent bridge, then he or they shall cause such alterations to be made therein, as will prevent any such injury to the said bridge, and having made such alterations, if necessary, shall certify the said plan, both to the company hereby created, and to the said commissioners, and the work shall then be executed according to such plan, so certified as aforesaid; and if any alterations should afterwards be found necessary, the said alterations shall be submitted to an engineer or engineers, ap-

Plan of canal
to be submit-
ted to state
engineers,
prior to com-
mencement.

Alterations of
plan.

pointed as aforesaid, who shall certify that the same will occasion no injury to the said bridge, in manner aforesaid.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the said company may demand, and take such securities from their officers and agents, and in such sums as may be fixed by the by-laws, for the faithful discharge of their respective duties.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the said canal company, shall not engage, directly or indirectly, in any banking, monied, commercial or manufacturing concern, or in the transportation or storage, of any merchandize, lumber, coal, grain, flour, or other articles, nor shall they erect, hold or own any other lands, buildings, wharves or docks, than such as are necessary for their business as a canal company.

SECT. 18. *And be it further enacted by the authority aforesaid,* That in constructing and forming the said canal, or any of the appurtenances thereto, the same shall not be located nor placed upon any part of the property now held or owned by the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia, nor shall any part of the same be taken, nor in many manner be used, for the purpose of the said canal company.

SECT. 19. *And be it further enacted by the authority aforesaid,* That in laying out, and making the said canal across the Lancaster turnpike road, the eastern line or bank of the canal, shall be kept at the distance of forty feet, at least, west, of the western extremities of the parapet or wing walls of the said permanent bridge, as now erected, and none of the works, machinery or devices, appertaining to the said canal, shall approach or be constructed nearer to the said parapet or wing walls, than the said distance of forty feet.

SECT. 20. *And be it further enacted by the authority aforesaid,* That during the time the said canal company may be employed in surveying, laying out and constructing the said canal, the passage to and from the said permanent bridge shall not be interrupted by the said canal company, their agents or servants and in case the said canal company, their agents or servants shall cause such interruption, then the said canal company shall forfeit and pay to the said, "the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," for every such offence the sum of one hundred and fifty dollars.

SECT. 21. *And be it further enacted by the authority aforesaid,* That the said canal company shall, at their own expense, build, at suitable distances across the said canal, and maintain forever in good repair, two bridges, each to be at least twenty-five feet wide, with railing on each side thereof, with two carriage ways, with proper curbs, and with

a foot way at least five feet wide, railed off for the commodious passage of foot passengers, so as to afford at all times an easy and safe passage for carriages, as well as foot passengers, horses, horned cattle, sheep and swine, to and from the said permanent bridge; one of which said bridges shall always be kept down; and the said canal company shall also, at their own expense, erect and keep in good repair, good and sufficient railings on each side of the said canal, between the said bridges so to be built by them; and shall also provide good and sufficient gates, to be closed over the space occupied by the said bridges, when such bridges shall be removed, for the passage of boats, vessels, or other craft, through the said canal; and if, at any time, either or both the said bridges, or the railings thereof, or the railings on the side of the canal between the same, or the gates opposite to the said bridges, shall not be in good repair, or if one of the said bridges shall not be at all times down as aforesaid, then the said canal company, for each and every such neglect or offence, shall forfeit and pay to the said "the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," the sum of five hundred dollars.

One always to be kept down.

Gates, railings, &c.

Penalty on neglect. \$500.

SECT. 22. *And be it further enacted by the authority aforesaid,* That in case the passage across the said bridges, so to be erected, or either of them, shall be interrupted from accident or other causes, then, and in every such case, the said canal company shall indemnify the said "the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," for all losses thereby sustained; and the damages to be paid for the same, shall be ascertained by the average daily receipts of tolls, from the said permanent bridge, for the year preceding such interruption, which average amount shall be paid for all the time such interruption shall continue.

Company to pay damages for accidental interruption to crossing of permanent bridge.

SECT. 23. *And be it further enacted by the authority aforesaid,* That no boat, vessel, or other craft, shall be permitted to pass through the said canal, when there are any horses, carriages, or other vehicles passing to or from the said permanent bridge, within sixty feet of the said bridges, so to be erected by the said canal company; nor shall any boat, vessel, or other craft, be allowed to lay in the said canal, nor after dusk, nor before day light, be permitted to pass through the said canal; and for each and every violation of any of the provisions of this section, the said canal company shall forfeit and pay to the said "the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," the sum of one hundred and fifty dollars.

No craft to pass canal whilst horses, &c. are near bridges, &c.

Penalty \$150.

SECT. 24. *And be it further enacted by the authority aforesaid,* That all fines, penalties, forfeitures and payments,

Recovery of
fines, forfei-
tures, &c.

imposed on the said canal company, for the use of the said "the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," by the provisions of this act, may be recovered by the said president, directors and company aforesaid, by action of debt, brought by them in any tribunal of competent jurisdiction in this commonwealth.

Extinguish-
ment of fire
on board of
vessels pas-
sing canal.

SECT. 25. *And be it further enacted by the authority aforesaid,* That previous to any boat, vessel, or other craft, entering the canal from either end thereof, the owner or skipper, or supercargo, shall extinguish or cover all fire on the deck of such boat, vessel, or other craft; and it shall be the duty of the gate keeper to inform himself that all such fire has been actually extinguished or covered; and for every neglect of the skipper, or owner or such boat, vessel, or other craft, to extinguish or cover such fire as aforesaid, or of the gate keeper to ascertain that the same has been so done, such skipper or owner, and gate keeper, respectively, shall be subject to a fine of five dollars, to be recovered, with costs, as debts under one hundred dollars are by law recoverable, by any person who shall sue for the same, one half to the use of the said "the president, directors and company, for erecting a permanent bridge over the river Schuylkill, at or near the city of Philadelphia," and the other half to the use of the plaintiff; and the neglect or infringement of the duties imposed on the gate keeper by this section, three times, within any one period of six months, shall incapacitate him from retaining his situation as gate keeper, and of ever after holding any appointment or office under the said canal company.

Penalty on
neglect.
How recover-
ed and appro-
priated.

Removal of
gate keeper.

Duty of gate
keeper rela-
tive to furling
the sails of
vessels pass-
ing canal, &c.

SECT. 26. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the gate keeper to direct the skipper, or owner of every such boat, vessel, or other craft, previous to such boat, vessel, or other craft entering the canal, at either end thereof, to have all the sails of such boat, vessel, or other craft, closely furled or hauled down, and securely fastened, and the flag or flags struck, (and if a square rigged vessel, the yards topped) and the main and other booms of every such boat, vessel, or other craft crotched, and not to allow any thing in or about such boat, vessel, or other craft, that may frighten horses, cattle, sheep or swine, passing either bridge, to appear nor to be heard; and also to keep closed, the gate opposite to the bridge, that may be removed for the passage of any boat, vessel, or other craft, during the time such removal may continue; and for every neglect or omission to perform any of the duties prescribed by this section, the said gate keeper shall be subject to a fine of five dollars, to be recovered in the manner and to the uses mentioned in the twenty-fifth section of this act.

Penalty on
neglect \$5.

SECT. 27. *And be it further enacted by the authority aforesaid,* That the said canal company shall, before commencing the construction of the said canal, give bond, with surety, to the satisfaction of the president of the court of common pleas, of the county of Philadelphia, in the sum of ten thousand dollars, conditioned that the said permanent bridge company, shall not suffer or sustain any loss or damage, by the said canal being abandoned, or not being completed within the time limited by law, which said sum or such part thereof, as may be deemed necessary by a competent engineer, to be appointed by the board of canal commissioners, is upon such abandonment of the said work or non-completion of the same, within the said period, to be applied to make the western access to the said permanent bridge as easy and as safe as it is at present, and to guard the bridge from any damage that may be in any way occasioned by the works, so commenced and abandoned, or not completed as aforesaid.

Canal company to give bond in \$10,000 to indemnify bridge company in case of abandonment.

SECT. 28. *And be it further enacted by the authority aforesaid,* That the legislature reserve the right, in the event of the said canal company violating any of the provisions of this act, or of the privileges hereby granted to the said company being found injurious to the public, to revoke, alter or amend the charter hereby granted, at any time they may think proper.

Reservation of right to repeal.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 196.

AN ACT

To alter an act entitled "An act to erect the town of Pottsville, in the county of Schuylkill, into a borough; and supplementary to the act incorporating the borough of Lewistown," passed the nineteenth day of February, A. D. one thousand eight hundred and twenty-eight; and also to alter an act, entitled "An act authorising the election of a constable, in the borough of Pottsville, and for other purposes," passed the twenty-third day of March, A. D. one thousand eight hundred and twenty-nine.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Pottsville shall be, and the same is hereby erected into a borough, under the name and title of the Name.

Borough
boundaries.

“borough of Pottsville;” the extent and boundaries of which shall be as follows: Beginning at a stone, on the west bank of the Schuylkill canal, and in the Manheim township line; thence up the west branch of said canal, north forty-five degrees, twenty-five perches, to a stone; thence north twenty degrees, west forty-four perches to a stone; thence north eleven degrees, east forty-three and one half perches, to a stone; thence north nineteen degrees, east thirty nine perches, to a stone; thence north forty-five degrees, east eight and one-half perches, to a stone; thence north seventy-eight degrees, east eighteen perches, to a stone, thence north forty-nine degrees, east passing the canal lock, and over the Schuylkill river, sixty-eight perches, to the mouth of Young’s brook, at what is called the Salem Basin; thence up said brook, north twenty-one degrees, west forty-eight perches, to a stone; thence due north two hundred and thirty-eight perches, to a stone; thence south sixty-eight degrees, west until a course of south twenty and one quarter degrees east will run to the north-westerly corner of the tract of land, known by the name of the “Physic tract,” the distance supposed to be four hundred and nine perches; thence south twenty and one-quarter degrees, east passing along the west line of the said “Physic tract,” to the Manheim township line, the distance supposed to be four hundred and fifteen perches; thence along said township line, north sixty-eight degrees, east two hundred and five perches, more or less, to the place of beginning.

Qualification
of voters.

SECT. 2. *And be it further enacted by the authority aforesaid,*

Annual elec-
tion.

Burgess,
council, clerk,
high consta-
ble and asses-
sors.

Manner of
conducting
election.

That the inhabitants of the said borough, entitled to vote for members of the general assembly, and who shall have resided within the same for six months, immediately preceding such election, and within that time have paid a county or borough tax, shall have power, on the first Monday in May, in every year, to meet at the place where the election for members of the general assembly are held, or at such other place within the said borough, as the council, by ordinance, may direct, and then and there, between the hours of two and eight, in the afternoon, elect by ballot, one person for burgess and members of a town council, a town clerk, high constable, one assessor and two assistant assessors for said borough, that is to say: at the first election, nine persons qualified to serve as members of the House of Representatives of this commonwealth, and at each succeeding election, one person for burgess, and three persons qualified as aforesaid for members of the town council; but previous to the opening of the first or any subsequent election, such of the inhabitants, qualified to vote as aforesaid, who may be present at the place where the election is to be held, shall choose two persons as judges, one as inspector, and two as clerks of the said election, which shall be regulated throughout, according to the general election laws of this commonwealth, so far as re-

lates to the receiving and counting of the votes; and the said judges, inspector and clerks shall respectively take an oath or affirmation, before a judge or justice of the peace, to perform their respective duties with fidelity and impartiality; and after the said election shall be closed, they shall declare the persons having the greatest number of votes to be duly elected; and in case two or more candidates shall have the same number of votes, the preference shall be determined by lot, drawn in the presence of the said judges and clerks, by the said inspector, after the election shall be closed; the said judges shall make out a return, under their hands, containing the names of the candidates, and the number of votes given for each, and deliver the same to the town clerk, whose duty it shall be to give notice in writing within twenty-four hours to the members elected, and hand over the returns to the town council at their first meeting, which returns shall be filed with the papers belonging to the corporation; and if it should happen through neglect or otherwise, that no election shall be holden on the day aforesaid, in the manner herein prescribed, the chief burgess, or in case of his neglect, refusal or inability to act, the president of the council shall issue his precept, directed to the high constable to supply such neglect, giving at least eight days notice of such election, by at least six advertisements, set up in the most public places in the borough: *Provided* That the members and officers of the corporation shall continue to exercise all the powers, and perform all the duties given to and enjoined upon them by this act, until their successors are duly elected or appointed.

Provision for
neglect to
hold election.

Proviso.

SECT. 3 *And be it further enacted by the authority aforesaid,* That the said council shall meet on the first Wednesday after their election, to receive and examine the returns of their election; and at their first meeting, the members shall divide themselves, by lots, into three classes; the seats of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that one third may be chosen every year after the first election; and the said council shall appoint a president of their board, whose duty it shall be to preside at the meetings of their board, sign all ordinances to convene the board, when occasion may require, and generally to perform such duties, as may be enjoined on him by ordinance of council; and in case of the absence, neglect of duty, removal from the borough, or other inability to act, the council shall from time to time elect a president *pro tempore*, as occasion may require, who shall exercise the same authority, and perform the duties that are or may be enjoined on the president; and the burgess shall be removable for misdemeanor in office, in the same manner that justices of the peace are removable, under the

Meeting and
classification
of council.

President of
council.

**Vacancies
how filled.**

constitution and laws of this commonwealth; and in case of the death, resignation or removal of the chief burgess, or other vacancy in said office, such vacancy shall be filled by a new election for his term of office, within ten days thereafter, by the council.

**Burgess and
council incor-
porated.**

SECT. 4. *And be it further enacted by the authority aforesaid,*

That from and after the second Monday in May, A. D. one thousand eight hundred and thirty-one, the chief burgess and council duly elected as aforesaid, and their successors shall be one body politic and corporate, by the name and style of "The corporation of the borough of Pottsville;" and shall have perpetual succession, and be capable in law to have, acquire, receive, hold and possess, goods and chattels, lands, tenements, rents, franchises, hereditaments, jurisdictions and liberties, to them and their successors, in fee simple, or otherwise; and also to give, grant, sell, let and assign the same, and shall by the name and style aforesaid, to sue and be sued, plead and be impleaded, in any courts of law in this commonwealth, in all manner of actions whatsoever; and also to have and use one common seal, and the same from time to time at their will to change; and the said inhabitants may, and shall have hereafter, markets in the said borough, forever, on such days, and as many in the week, as the said corporation shall order and direct; and that all the corporate property, and estate whatsoever, of "The burgesses and inhabitants of the town of Pottsville, in the county of Schuylkill," is hereby severally and respectively, vested in "The corporation of the borough of Pottsville," and their successors in and by this act established, by the name, style and title aforesaid, to and for the use of the citizens of the borough of Pottsville, forever; and until the corporation of the said borough shall be duly organized, the present shall continue in full force and operation.

**Style of cor-
poration.**

**Penalty on
refusal to ac-
cept office.**

SECT. 5. *And be it further enacted by the authority aforesaid,*

That if any person, duly elected chief burgess or member of the town council, or appointed or elected town clerk, street commissioner, high constable, or other officer, and having received notice thereof, shall refuse or neglect to take upon himself, the duties of the said office, or shall neglect or refuse to discharge the same, after having taken upon himself the duties of the said office, every person so refusing or neglecting, shall for every such offence, forfeit and pay the sum of twenty dollars, which fine and all others incurred and made payable by this act, or by the acts of the corporation, shall be adjudged to be paid to the said corporation, on conviction before any justice of the peace, resident in the said borough, and when recovered, shall forthwith be paid to the treasurer of the said borough; and it shall be the duty of all officers of the said borough, on receiving money belonging to the corporation, to pay the same forthwith to the treasurer thereof.

**How recover-
ed and appro-
priated.**

SECT. 6. *And be it further enacted by the authority aforesaid,*

That the members of the said corporation, and high constable, and all other officers, created by this act, shall severally before taking upon themselves the duties of their respective offices, take an oath or affirmation before a judge or justice of the peace, of the county of Schuylkill, to support the constitution of the United States, the constitution of the state of Pennsylvania, and to perform the duties of their respective offices, with fidelity; certificates of which oaths or affirmations, shall be filed among the papers of the corporation.

Oaths of bo-
rough officers

SECT. 7. *And be it further enacted by the authority aforesaid,*

That it shall be the duty of the said council, five of whom shall be a quorum, to hold meetings from time to time, as occasion may require; at which meetings they may revise, repeal or amend, all such by-laws and ordinances, that have heretofore been made in the borough of Pottsville, which shall have full force and authority until so repealed, and make such other rules and regulations, and enact such other by-laws and ordinances, as shall be determined on by a majority of them, necessary to promote the peace, good order, benefit and advantage of the said borough, particularly for the providing for the regulation of markets, improving, repairing, keeping in order, and regulating the streets, roads, lanes and alleys, and removing nuisances and obstructions therefrom, regulating the width of porches, steps, cellar doors or other device that may project into or encroach upon any street, road, lane, alley or public highway, ascertaining and regulating the depths of vaults, of sinks or pits for necessary houses, and making permanent rules and regulations, relative to the foundation of buildings, party walls and fences; they shall have full power and authority, to prevent and restrain, the exercising or practising of any trade or occupation, the exercise or practice of which shall be dangerous to the health or property of the inhabitants; they shall have power to impose fines and penalties, partial and total forfeitures, and also to assess, apportion, and appropriate such taxes, as shall be determined by a majority of them, necessary for carrying the said rules and ordinances, from time to time, into complete effect; and also to appoint street commissioners, treasurer and collector, annually, and such other officers as may be necessary, from time to time, and the same officers, from time to time, to remove for misconduct, neglect or misdemeanor in office, excepting the chief Burgess, who shall only be removable in the manner hereinbefore prescribed: *Provided*, That no rules, by-laws or ordinances of said corporation, shall be repugnant to the constitution and laws of the United States, or of this commonwealth, and that no person shall be punished for a breach of a by law or ordinance made as aforesaid, until ten days have expired, after the promulgation thereof, in at least one newspaper, printed

General pow-
ers of council.

Borough
taxes.

Appointment
of treasurer,
collector, &c.

Proviso.
Of the by-
laws.

in said borough, or by ten advertisements set up in the most public places in the said borough.

Assessment, &c. collection of tax. SECT. 8. *And be it further enacted by the authority aforesaid,* That the general borough tax, rates and levies, assessed, rated and levied, by the said council, shall not, in any one year, exceed one cent in the dollar, on the valuation of the property by the assessor, elected in pursuance of this act; and it shall be the duty of the assessor and assistant assessors, to be elected as aforesaid, to value, according to the best of their judgments, all property, and rate all single freemen, offices and professions, within the said borough, made taxable by the laws of this commonwealth, and to make out the returns of the said assessment, in such form, and within such time, as the council, by ordinance, shall direct; and all taxes, rates and levies, assessed, rated and levied, by the council, shall be recovered in the same manner as the county rates and levies, in the county of Schuylkill, are, or may hereafter be by law recoverable.

Foot pavements, gutters, &c. SECT. 9. *And be it further enacted by the authority aforesaid,* That the said council shall have full power and authority to pave, form, or lay with brick, hard substances or gravel, all or any of the footways and gutters within the borough; and shall set curb stones, or posts, to prevent the same from being injured, at such times and in such manner, as they by ordinance may direct: *Provided,* That all and every the owners or owner of property, or ground, shall have the privilege of paving the footway on their own front, as aforesaid, provided they have it completed within sixty days, after due notice in writing being given for that purpose by the said council, or any person they may appoint.

Paving or turnpiking streets. SECT. 10. *And be it further enacted by the authority aforesaid,* That the said council shall have full power and authority, upon the application of two thirds of the owners of property or lots, fronting on any street, road, lane or alley, to pitch and pave, or lay with broken stone and gravel, any such street, road, lane or alley; and shall tax the property in front of which such street, road, lane or alley, shall be pitched and paved, or laid with broken stone or gravel, for the expense thereof, in proportion to the extent of the same in front: *Provided,* That no application as aforesaid, shall be for less than four hundred feet, or more than twelve hundred feet, of any street, road, lane or alley, at one time: *And provided further,* That in all applications as aforesaid, the owners of an undivided estate shall be entitled to but one signature; and that no person, whatever may be the number of lots owned by him, shall be entitled to more than one signature on any such petition.

Collection of taxes for paving, pitching, &c. SECT. 11. *And be it further enacted by the authority aforesaid,* That the said council are hereby authorised to recover the taxes for pitching and paving, laying with broken stone

or gravel, in the same manner that county rates and levies are, or hereafter may be, by law recoverable; or may institute actions for the recovery of such taxes or assessments, before any tribunal in the state, having jurisdiction of the amount claimed against the owner or owners of the property, or their legal representatives, in front of which such pitching and paving, laying with broken stone or gravel, mentioned in the tenth section of this act, shall be done; and the said council shall, and they are hereby authorised, to recover legal interest, from the time of making such assessment, together with a commission of five per cent. for collecting the same. Interest and commission.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the council shall have full power and authority to establish a nightly watch, and fix so many lamps, in such part or parts of the said borough, as from the state of the improvements thereof, may, in their discretion, be necessary; and for the more conveniently watching the same, may divide the said borough into districts, as they may think proper: *Provided,* That when a nightly watch shall be established, or lamps fixed in any part or parts of the said borough, the holders of property in such divisions, and they only, shall be assessed with the expense of maintaining the same. Watchmen and lamps.

SECT. 13. *And be it further enacted by the authority aforesaid.* That the said council shall have full power and authority to make any by laws or ordinances, to oblige the owners or occupiers of houses, in the said borough, to provide and keep in repair any number of leather buckets, not exceeding two, to be used only in extinguishing fires. Fire buckets.

SECT. 14. *And be it further enacted by the authority aforesaid.* That the chief burgess, elected and qualified agreeably to this act, or in his absence, refusal, neglect, or inability to act, the president of the council is hereby authorised to issue his precept, as often as occasion may require, to the collector, commanding him to collect the taxes assessed in pursuance of this act, and the same to pay over to the treasurer; and the said chief burgess, or in his absence, refusal, neglect, or inability to act, the president of the council is hereby authorised to carry into effect all by laws and ordinances, enacted by the council, and whatever else may be enjoined on him or them for the well ordering and good government of the borough; and all attestations, made by the chief burgess, with the seal of the corporation, shall be good evidence of the acts or things certified; and for affixing the seal of the borough to any instrument, for other than borough purposes, he shall receive fifty cents. Duties and powers of the chief burgess.

SECT. 15. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the town clerk, to attend all meetings of the town council, when assembled on busi- Town clerk.

ness of the corporation, and perform the duties of a clerk thereto, and attest, keep and preserve, the records of the corporation; and also, to perform all the duties enjoined on him by this act, or by the acts of the corporation.

Security of
treasurer.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the treasurer shall give sufficient security to the chief burgess, for the faithful discharge of the duties of his office, and for the safe delivery of all moneys, books and accounts, appertaining thereto, into the hands of the successor, upon demand being made for that purpose.

Election of
auditors to
adjust ac-
counts.

SECT. 17. *And be it further enacted by the authority aforesaid,* That there shall annually be elected, by the citizens of the said borough, qualified to vote as aforesaid, at the time of electing members of the town council, three citizens as auditors, who shall, within one month after their election, settle and adjust the accounts of the several officers of the said borough; and the said accounts being so settled and adjusted, shall forthwith be published by the corporation, showing particularly the amount of taxes assessed and collected, and of all moneys paid into the treasury, and the amount of and items of expenditure.

Court of ap-
peal.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the chief burgess, and two inhabitants qualified to vote for members of the town council, to be appointed by a majority of the council for that purpose, or any two of them, shall constitute a court of appeal; and prior to the collection of any borough tax, the collector shall inform each inhabitant of his tax, and the time and place of appeal: *Provided,* That the said court of appeal shall have no other power, than to determine the justness of the apportionment of the said tax, and to remedy any grievance that may occur in imposing the same.

Proviso.
Power re-
stricted.

Compensa-
tion of elec-
tion and other
officers.

SECT. 19. *And be it further enacted by the authority aforesaid,* That the judges, inspector and clerks of the election of borough officers, shall be allowed each seventy-five cents per day, for their services in holding their said election; and the council shall fix the compensation of such officers as shall be appointed or elected under this act or the acts of the corporation, which compensation shall be paid out of the borough treasury, by orders drawn on the treasurer, at such times and in such manner as the council by ordinance may direct.

Streets, lanes,
&c. declared
highways.

SECT. 20. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, all streets, lanes and alleys, within the said borough, opened or laid out, or drawn or marked, or plans or plots by those persons, who have laid out additions to the original plan or plot of the town of Pottsville, as public streets, roads, lanes and alleys shall be deemed and considered public highways.

SECT. 21. *And be it further enacted by the authority aforesaid,* That the said council, so soon as the same can conveniently be done, shall cause an accurate survey to be made of the streets, lanes and alleys within the said borough, and when the said survey shall be completed, shall cause two drafts or plans to be made thereof, to be made with every explanation necessary to the full understanding of the same, one of which said plans shall be deposited in the office of the clerk of the court of quarter sessions, of the county of Schuylkill, for public inspection and examination, and the other to be kept with the papers of the corporation; and it shall be the duty of the chief burgess, to give notice in all newspapers printed in the borough, that the said survey and plans are completed, and that on a certain day, to be appointed, the council will hear any objection that may be made thereto, and the place where the said drafts are deposited for examination, and the said council shall at the time appointed adjudge and determine whether any and what alterations shall be made therein, and shall direct one of the said drafts or plans, authenticated by the chief burgess and town clerk, under the seal of the corporation, to be recorded in the office for recording deeds, in and for the county of Schuylkill; and the said survey and drafts so made and authenticated, shall from thenceforth be deemed conclusive as to the courses, widths and lengths of the streets, roads, lanes and alleys in the said drafts, laid down and marked as public steets, roads, lanes and alleys shall be deemed and considered from thenceforth public highways, and the said drafts so made and recorded shall remain unalterable.

Plans of borough to be made.

Where deposited.

SECT. 22. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable, to give notice of the annual elections of the said borough, by setting up advertisements, in eight of the most public places in the said borough, ten days previously thereto; he shall attend and see that the same is opened at the time and in the manner directed by this act; and it shall and may be lawful for the said high constable to perform all the duties, and exercise all the authorities of the constables of the several townships of this commonwealth, within the said borough, and generally to do, execute and perform whatever else may be enjoined on him by the council; and the said high constable shall be entitled to the same fees for the same services that are by law allowed to other constables: *Provided,* it shall be the duty of the present high constable, to publish and superintend, in like manner, the election to be held on the first Monday in May, A. D. one thousand eight hundred and thirty-one.

Notice of elections.

Duties of high constable.

Proviso.
Publication of first election.

SECT. 23. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough and all persons holding property therein, shall be competent witnesses

Appeal of persons aggrieved to court of quarter sessions.

in all actions arising under this act, or the laws or ordinances of the corporation; and if any person shall think themselves aggrieved by any thing done in pursuance of this act, or of the by-laws or ordinances of the corporation, they may appeal to the next court of quarter sessions, to be held for the county of Schuylkill, upon giving security to prosecute such appeal with effect; and the said court having taken such order thereon as to them shall seem just and reasonable, the same shall be conclusive against all parties.

Election of
constables.

SECT. 24. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the inhabitants of the said borough, entitled to vote for members of the town council, at the same time and under the same regulations as constables in the several townships are now by law elected, to elect four suitable persons as constables, in manner following, viz: the inhabitants residing east of Centre street or Centre turnpike, in the said borough, shall elect two; and the inhabitants residing to the west of Centre street or Centre turnpike aforesaid, shall elect two; the said constables to reside in the divisions for which they are respectively elected, and to return the names of the persons so elected to the next court of quarter sessions of the county of Schuylkill; and the said court shall appoint two of them, one from the returns of each division, one to be constable of the eastern division, and one to be constable of the western division of the said borough.

Appointment
of police officers.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the said council shall, whenever the same may appear to them necessary, appoint a sufficient number of persons as police officers, to keep the peace of the borough, who, during the time of their appointment, shall be vested with the same authority, and entitled to the same privileges, emoluments and fees as the constables of the said borough are, or shall hereafter be invested with, or be entitled to by law.

Election of
overseers of
the poor.

SECT. 26. *And be it further enacted by the authority aforesaid,* That the inhabitants of the said borough, entitled to vote for members of the town council, shall elect, at the same time, and under the same regulations as overseers of poor of the several townships of the county of Schuylkill, are now by law elected, two persons for overseers of the poor of the said borough, who shall have the same powers and privileges, perform the same duties, and be subject to the same penalties as are now or may be given to, or enjoined or imposed upon the overseers of the poor of the several townships of the county of Schuylkill, and shall render their account, annually, to the town council.

Exemption
from town-
ship taxes.

SECT. 27. *And be it further enacted by the authority aforesaid,* That the citizens of the said borough shall be exempted from paying all road or poor taxes to the township of

Norwegian, for property within the limits of the said borough, that may be assessed after the passing of this act.

SECT. 28. *And be it further enacted by the authority aforesaid,* That so much of any other act as is hereby altered or supplied, be and the same is hereby repealed. Repealing clause.

SECT. 29. *And be it further enacted by the authority aforesaid,* That this act and the powers and authorities herein vested in the said borough, shall not be impaired, affected, defeated or destroyed by any neglect or omission, to elect or appoint all or any of its officers at the times allotted for the same. This act not to be affected by neglect.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 197.

AN ACT

Authorising the supervisors of public roads and highways, in Cambria township, in the county of Cambria, to assess and levy an additional road tax, for certain purposes.

WHEREAS, the amount of tax, authorised by law to be assessed and levied by the supervisors of public roads and highways, is insufficient to discharge the debts incurred by the township of Cambria, in the county of Cambria, for making and keeping in repair the public roads and highways therein: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the supervisors of public roads and highways, in the said township, to increase the amount of taxes, now authorised to be assessed and levied by the laws of this commonwealth, for road purposes, so that by the same, such sum shall be raised, as may be necessary for the discharge of the said debts, incurred and contracted by the township as aforesaid; which said additional tax shall be appropriated to the said purposes, Preamble.
Increase of tax to discharge certain debts.

and shall be assessed, levied and collected, in the same manner, and subject to the same provisions, regulations and restrictions, as by law it is provided for road taxes.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 198.

AN ACT

To provide for defraying certain contingent and other expenses, in the offices of the Auditor General, and Secretary of the Land Office.

\$800 clerk-hire, \$150 contingent expenses in Auditor General's office.

\$300 contingent expenses of Land office.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of eight hundred dollars be, and is hereby appropriated, for clerk hire, in the office of the Auditor General, for one year, from the first day of April, one thousand eight hundred and thirty-one; and the sum of one hundred and fifty dollars be, and is hereby appropriated, in addition to the sum annually appropriated, for the contingent expenses of the said office; and the sum of three hundred dollars be, and is hereby appropriated, for the contingent expenses of the office of the Secretary of the Land Office.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 199.

AN ACT

To enable the Roseburg and Mercer turnpike road company, to collect the subscriptions of stock to said company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of any act of assembly of this commonwealth, as required a certain sum to be paid by subscribers of stock, to the attending commissioner or commissioners, for receiving subscriptions of stock to the Roseburg and Mercer turnpike road company, previous to or at the time of subscribing, be and the same is hereby repealed, and that the said company, shall have the same legal remedy for the recovery of subscriptions to said company, as if such provision had not been required, and that the validity of the charter of incorporation of said company, shall not be affected by the non-payment of such certain sum, at or before the time of subscription.

Payment of
subscription
instalment
dispensed
with.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 200.

AN ACT

For the relief of James McNamee.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners, be and they are hereby authorized to settle with James McNamee, late a contractor, on section number thirty-seven, of the Juniata division, of the Pennsylvania canal, for retained per centage, and for materials delivered; and if they shall find any due to him for

Certain ac-
count referred
to canal com-
missioners.

work done on said section, they are hereby required, to direct payment thereof by the proper superintendent, as may appear due on the canal commissioners' books.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 201.

AN ACT

Authorising the court of common pleas of the county of Berks, to direct the docket of Adolph Hatzfield, to be delivered to some other justice of the peace, and to appoint a committee to take charge of the property of said Adolph Hatzfield.

Preamble.

WHEREAS, it has been represented to the legislature, that Adolph Hatzfield, a justice of the peace in and for the county of Berks, in the month of August last past, was convicted of the crime of murder in the second degree, and sentenced to be punished, by imprisonment for twelve years, in the eastern penitentiary of this commonwealth, and that many cases upon the dockets of said Adolph Hatzfield, remain unsettled; and also, that he has many unsettled accounts, and owes some debts, for the settlement of which he has made no provision: Therefore,

Court of common pleas to direct transfer.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of common pleas of Berks county be, and the said court hereby is authorised and empowered, to order and direct the dockets of Adolph Hatzfield, a justice of the peace in and for said county, to be delivered to any other justice of the peace of said county, who shall be designated by said court, together with all bonds, notes, books and papers, belonging to other persons, and placed in the hands of said Adolph Hatzfield, as a justice of the peace as aforesaid; and to enforce obedience to such order by attachment, in such manner as said court shall, in its discretion, see fit.

Authority to justice selected.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the justice of the peace, to whom the aforesaid dockets shall be delivered, as hereinbefore directed, shall issue process, and proceed in and upon all actions, suits, and judgments, entered or contained in said dockets, in the same

manner, and with like effect, as the said Adolph Hatzfield might or could have done, had he continued to hold the same, and act as a justice of the peace in and for the county of Berks, aforesaid.

SECT. 3. *And be it further enacted by the authority aforesaid,* That upon the application of any creditor of the said Adolph Hatzfield, or any other person interested, the said court of common pleas be, and the said court hereby is further authorised and empowered, to appoint some competent person or persons, as a committee to take charge of the property and estate of the said Adolph Hatzfield; which committee so appointed, shall, under the direction of said court, have and possess the same power and authority to take charge and dispose of the property and estate, real and personal, of the said Adolph Hatzfield, that committees of the estates of lunatics, or persons non compos mentis, by the existing laws, now have, to take charge and dispose of the property and estates of which they severally are legally appointed committees; and also to sell and convey the same, for the payment of the debts of the said Adolph Hatzfield; and for the maintenance of his wife, under like restrictions and in like manner as such committees as aforesaid, may or can sell and convey the property and estates, severally committed to their charge: *Provided,* That the committee who shall be appointed as aforesaid, shall give such security for the faithful discharge of their trust, as shall be required by the aforesaid court, and be accountable for the property that shall come to their hands, in like manner as committees of the estates of lunatics are accountable.

On application of person interested court to appoint a committee to take charge of estate of A. Hatzfield.

Provido. Security of persons appointed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 202.

AN ACT

For the relief of Washington College.

SECT 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and directed to pay to the trustees of Washington college, \$500 annually, for five years.

Proviso.
20 students to
be instructed.

the sum of five hundred dollars annually for five years, to commence on the first day of January, one thousand eight hundred and thirty-one: *Provided*, That the said trustees shall cause to be instructed twenty students, annually, free of expense of tuition for the term of five years; such students to be selected by the said trustees, and taught in the elementary branches of an English education, in said manner as such trustees shall deem best calculated to qualify them for teachers of English schools.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 203.

AN ACT

For the relief of John Harman and James Dungan, soldiers, and Mary Albert, the widow of a soldier of the revolutionary war.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and required to pay to John Harman, of Fayette county, a soldier of the revolution, or to his order, forty dollars, immediately, as a gratuity and compensation in full for revolutionary services.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be, and he is hereby authorised and required to pay to Mary Albert, of Washington county, Maryland, widow of a revolutionary soldier, or her order, forty dollars, immediately, and an annuity of forty dollars, payable half yearly, during life, to commence on the first day of July, A. D. eighteen hundred and thirty-one.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the State Treasurer be, and he is hereby authorised and required to pay to James Dungan, of Philadelphia county, a soldier of the revolution, or to his order, forty dollars, immediately, as a gratuity in full for his revolutionary services.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 204.

AN ACT

Authorising the supervisors of Saville township, in the county of Perry, to open a certain part of the state road, leading from Landisburg to Mifflintown.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the supervisors of Saville township, in the county of Perry, are hereby authorised to open that part of the state road, leading from Landisburg to Mifflintown, which lies between Ickesburg and a school house, near the house of Alexander Robinson, and to keep the same in repair as other roads, notwithstanding the sum of three hundred dollars, may not have been subscribed, to aid in making the road over the Tuscarora mountain, agreeably to the proviso of the third section of the act, relating to said road, passed the twenty-second of April, one thousand eight hundred and twenty-nine; and so much of said act as is hereby altered or supplied, is hereby repealed.

Parts of act of
22d April,
1829, altered.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 205.

AN ACT

For the relief of John Byers, a soldier of the revolutionary war.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer, be and he is hereby authorised and required to pay to John Byers, of York county, a soldier of the revolution, or to his order, forty dollars, immediately, and an annuity of forty dollars, payable half yearly, during life, to commence on the first day of January, one thousand eight hundred and thirty-one.

\$40 gratuity
and annuity
to J. Byers.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 206.

AN ACT

To annul the marriage contract of John Weaver, and Catharine his wife.

Divorce.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into by John Weaver, and Catharine his wife, of Montgomery county, be and the same is hereby declared null and void, and they are hereby discharged and set free from all obligation arising therefrom.*

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 207.

A SUPPLEMENT

To an act, entitled An act for the levy and collection of taxes upon proceedings in courts, and in the offices of register and recorder, and for other purposes, so far as respects the commissions of the officers of Jefferson county.

Fees of commissions of present officers of Jefferson, dispensed with.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the sixth section of the act, entitled An act for the levy and collection of taxes upon proceedings in courts, and in the offices of register and recorder, and for other purposes, passed the sixth day of April, one thousand eight hundred and thirty, be and the same is hereby repealed, so far as regards the commission of the present prothonotary, clerk of oyer and terminer, quarter sessions, orphans' court, register of wills and recorder of deeds, in and for the county of Jefferson; and that any sums paid by the said officers*

under the said recited act in said county, on the commissions aforesaid, be refunded to the officer or officers paying the same.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF:

No. 208.

A FURTHER SUPPLEMENT

To the several acts incorporating the Lehigh Coal and Navigation Company.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same.* That the remedies provided in and by the several acts of the general assembly of this commonwealth, incorporating or now composing the charter of the Lehigh coal and navigation company, for the recovery of compensation or damages by owners of lands or other property, for injuries or damages done the lands or other property of such owner or owners by the said company, their agents, workmen or works, and particularly the provisions of the second, third, fourth and fifth sections of an act entitled "An act to improve the navigation of the river Lehigh," be and the same hereby are extended to all cases where such owner or owners has or have died or may die before compensation-made, or recovered for such injuries or damage as aforesaid; and it shall and may be lawful for the executor or executors or administrator or administrators of any such owner, dying as aforesaid, to institute and carry on proceedings for the recovery of such compensation or damages, in like manner, and with like effect, to all intents and purposes, as their testator or intestate might or could have done had he or she continued in full life.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the executor or executors, administrator or administrators of any such deceased owner of land as aforesaid, shall have full power and authority to compromise, and settle any claim for compensation for injuries or damage done the lands of his, her or their testator or intestate, by the said company,

their agents, workmen or works, and to give releases and acquittances for the same; and also if it should be deemed necessary and expedient to execute and deliver to said company, deeds of conveyance or release for lands occupied by their canal or other works or so injured by the same as to be rendered of little or of no value; and where an inquest has been or shall be held for the partition and valuation of the real estate of any such intestate, deceased, owner of land as aforesaid, any land so conveyed or proposed to be so conveyed as aforesaid, may at the discretion of the court in which the proceeding shall be had, be excluded from the consideration of the inquest, provided that nothing herein contained shall authorise the aforesaid company, to purchase any land other than is permitted by their charter.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 209.

A FURTHER SUPPLEMENT

To the act, entitled "An act to amend and consolidate, with its supplements, the act entitled, An act for the recovery of debts and demands, not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the penalty mentioned in the fifteenth section of the act to which this is a supplement, passed on the twentieth day of March, eighteen hundred and ten, for not entering satisfaction in any case, in said section provided for, shall be sued for and recovered before any alderman or justice of the peace of this commonwealth, as debts of similar amount are sued for and recovered.

Recovery of
penalty in
15th section
of act of 20th
March, 1810.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 210.

AN ACT

Authorising the Governor to incorporate the Rock Cabin and Tangascootack rail-road company, in Centre county.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Alexander Mahon, of Centre county; William Wilson, of Lycoming county; Ebenezer Greenough, of Northumberland county; Simon Cameron, George Mish, and Isaac M'Cord, of Dauphin county; and Benjamin S. Bonsall, John White, William G. Alexander, Michael E. Israel, George M. Hickling, William F. Harrison, Robert C. Martin, Joseph Burden, Joseph B. Mitchell, of the city of Philadelphia, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: they, or any two of them, shall procure a sufficient number of books, and in each of them, enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and directors of the Rock Cabin and Tangascootack rail-road company, in Centre county, the sum of fifty dollars, for every share by us subscribed, in such manner and proportions, and at such times and places, as shall be determined on by the said president and directors, in pursuance of an act, entitled, 'An act authorising the Governor, to incorporate the Rock Cabin and Tangascootack rail-road company, in Centre county:'" Witness our hands the day of Anno Domini, one thousand eight hundred and ;" and shall give notice, in at least one of the newspapers printed in Centre county, and one of the daily newspapers printed in the city of Philadelphia, for at least two weeks, of the times when and places where some one or more of the aforesaid commissioners will attend, and receive subscriptions from all persons of lawful age, who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least four hours in every juridical day, for the space of six days, or until there shall have been subscribed in the said books, two thousand five hundred shares; but no subscription shall be valid, unless the person so subscribing, pay to the said commissioners, at the time of making such subscription, the sum of five dollars on each share; and the said commissioners may adjourn from day to day, and from time to time, until the whole number of shares aforesaid shall have been subscribed.

Commissioners appointed to open books.
Form of subscription.
\$50 per share.
Notice.
Whole No. 2500 shares.
\$5 to be paid on each share.

SECT. 2. *And be it further enacted by the authority aforesaid,* That whenever one thousand shares, shall have been actual-

When 1000 shares are taken Governor to issue letters patent.

ly subscribed, and five dollars on each share shall have been paid to said commissioners, the said commissioners shall certify the same, under oath or affirmation to the Governor of this commonwealth, and on receipt of such certificate, the Governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also, who shall thereafter subscribe to the number of shares aforesaid, into a body corporate and politic, in deed and in law by the name, style and title of the president and directors, of the Rock Cabin and Tangascootack rail-road company, in Centre county, and by the same name, the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; may make and establish a common seal, and the same alter, break or renew at pleasure; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; and of purchasing and holding to them, and their successors and assigns, in fee simple, or for any lesser estate, such lands, tenements, hereditaments, and such personal estate as shall be necessary to them, in the prosecution of their works and business; and of suing and being sued, and of doing all and every other matter and thing, which a corporation or body politic may of right do: *Provided*, That nothing herein contained, shall be considered as in any way giving to the said corporation, any banking or trading privileges whatever, or any other privileges but such as shall be necessary to the constructing a rail-road, from the coal mines to navigable water.

Style.

Pr. vileges and liabilities

Proviso.
No banking or trading privileges.

Location.

SECT. 3. And be it further enacted by the authority aforesaid, That the president and managers of said company, shall have power to survey, lay down, ascertain, mark and fix, such route as they shall deem expedient, for a single or double rail road, beginning at or near Rock Cabin, thence down the valley of the Tangascootack creek, to the river Susquehanna, in Centre county.

Right to occupy lands.

SECT. 4. And be it further enacted by the authority aforesaid, That the said president, and managers, and company, shall have power and authority, by themselves or their superintendents, engineers, artists and workmen, to enter in and upon, and occupy, all land on which the said rail-road may be located; and thereon to dig and embank, make and construct the same, satisfying the owner or owners thereof; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint five suitable, judicious, and disinterested persons, of the counties of Centre or Lycoming, who shall be under oath or affirmation, and who shall reside within the said counties of Centre or Lycoming; and if they cannot agree upon such persons, then either of the parties may apply to the court of common pleas of the county

Assessment of damages.

in which the land may lie, and the court shall award a venire, directed to the sheriff, to summon a jury of judicious and disinterested persons, from the said counties of Centre or Lycoming, in order to ascertain and report to said court, what damages, if any, have been sustained by the owner or owners of said ground, by reason of the construction of said rail-road through the same; which said jury of valuers, being duly sworn or affirmed, and having viewed the premises, shall proceed to estimate the quantity and quality of the land occupied by the said rail-road, and all other inconveniences which may be likely to result therefrom, to the said land; and under the influence of these considerations, and a just regard to the advantages which may seem likely to result to the proprietor or proprietors of the said land, from the opening of the said rail road through the same, to make their assessment, and report to the court of the county; which report being confirmed by the court, judgment shall be entered thereon, and execution may issue, in case of non-payment, for the sum awarded; and the expenses incurred by the appraisers or jury, shall be defrayed by the said rail-road company: *Provided*, That either party may ^{Provide.} appeal to the court, within thirty days after such report ^{Appeal from} may ^{decision of} have been filed in the prothonotary's office of the proper ^{viewers.} county, in the same manner as appeals are allowed in other cases.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with ^{Right of entry.} their tools, instruments, carts, wagons, and other carriages, ^{for materials.} and beasts of draught or burden, may enter upon the lands contiguous and near the said rail-road, first giving notice to the owners or occupiers thereof; and from thence to take and carry away timber, stone or gravel, sand or earth, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof; and making amends for any damages that may be done thereon; but ^{Damages.} no timber, stone, gravel, sand or earth, shall be taken away from any improved land, without the consent of the owner or owners thereof, until compensation for the same be first ascertained and paid; the amount whereof, if the parties do not agree, shall be assessed and valued as hereinbefore mentioned, in the fourth section of this act.

SECT. 6. *And be it further enacted by the authority aforesaid*, That for the well ordering of the affairs of the said corporation, there shall be chosen, by ballot, at such time and place ^{Annual election} as the stockholders, in general meeting, shall appoint, and ^{of nine} annually on the same day thereafter, by a plurality of votes ^{directors.} of the said stockholders, nine directors, a majority of whom shall be a quorum, who may appoint such officers or agents ^{Appointment} under them, and make such by-laws, as the said board of ^{of other officers.}

directors may think expedient, for the good ordering of the affairs of the said company; and in case of an equality of votes for two or more persons, the directors elect shall supply the deficiency, by ballot; and the said board may also fill, for the remainder of the year, any vacancy that may occur by death, resignation, or otherwise: *Provided*, That if the said election for directors shall not take place on any day on which the same ought to be held, it shall be lawful on any other day, as soon as may be, to hold the same, in such manner as may be regulated by the by-laws and ordinances of the said corporation: *And provided*, That no stockholder shall be entitled to vote, on any stock which shall not have stood in his or her name, at least ninety days preceding such election.

Vacancies.

Proviso.
Time of holding elections.

2d proviso.

General meetings of stockholders.

Ratio of votes to shares.

Dividends to be declared semi-annually.

Not to impair capital.

Directors may be liable.

On completion of 3 miles company may receive tolls, &c.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the board of directors, or any number of stockholders, being, together the proprietors of not less than one-fourth of the whole stock, shall have the power, for all the purposes relative to the corporation, to call a general meeting of the stockholders, giving at least twenty days notice thereof, to be served either personally or by public advertisements, in one of the newspapers printed in Philadelphia, and in one newspaper printed in Centre county, and at all general meetings, as well as elections for directors, the number of votes each stockholder shall be entitled to, shall be according to the following scale, viz: every share not exceeding five, shall have one vote; for every other five shares, two votes; to be given in person or by proxy constituted in writing.

SECT. 8. *And be it further enacted by the authority aforesaid*, That dividends of so much of the profits of the institution, as shall appear advisable to the directors, shall be declared at least twice a year, in every year, and paid to the stockholders, on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; and if the said directors shall make any dividend, which shall impair the capital stock of said institution, the directors consenting thereto, shall be liable in their individual capacities to the said company, for the amount of the stock so divided; and each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders, of the declaring such dividend.

SECT. 9. *And be it further enacted by the authority aforesaid*, That on a completion of a section, of three miles or more of the rail-road, all transportation on the same, of whatsoever nature or kind, or by whomsoever shall be carried on, and conducted under the superintendence and direction of said

company; and it shall and may be lawful for the said company, to charge and receive for freight, on and for the transportation of coal, goods, wares and merchandise, at a rate not exceeding one and an-half cents per mile, for each and every ton weight thereof: *Provided*, Should the receipts for tolls or transportation authorised by this act, not enable the president and managers, within three years after the execution of the rail-road, to make a dividend of six per cent. on the capital stock of the same, that in case the said president and managers, shall be authorised to raise the said rates, so as to produce six per cent.; and should the rates for toll or transportation, as raised, enable the president and managers in any one year, to divide more than twelve per cent. that then the said rates shall be reduced, so as not to exceed twelve per cent: *And provided*, That the whole amount of capital stock of said company, shall not exceed two hundred thousand dollars.

Proviso.
Tolls to produce not less than 6 nor more than 12 per cent.

Proviso.
Capital stock \$200,000.

SECT. 10. *And be it further enacted by the authority aforesaid*, That this act shall be and continue in force until the first Monday in December, in the year of our Lord one thousand eight hundred and fifty-one, and no longer.

SECT. 11. *And be it further enacted by the authority aforesaid*, That if it shall appear, that the privileges by this act granted, are injurious to the interests of this commonwealth, the legislature reserve the right to revoke, alter or annul the charter hereby granted, at any time they may think proper: *And provided*, That the state may at any time after the expiration of twenty years, have the privilege of purchasing the entire interest and property of the said corporation, at a just and reasonable valuation or appraisement, to be made in such manner as may at any time hereafter be provided for by law: *And provided further*, That whenever the dividend shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent., on all such dividend above six per cent. into the treasury of this state, for the use of the commonwealth.

Right to repeal.
Proviso.
To purchase after 20 years.
2d proviso.
Tax on dividends.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 211.

AN ACT

Authorising the sale of certain real estate, belonging to the heirs of Christian Geese, deceased.

Certain lots
in Cumber-
land county.

Proviso.
Approval of
sale.
Security to or-
phans court.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Alexander Mahon and Elizabeth Geese, administrators of the estate of Christian Geese, late of the borough of Newville, in the county of Cumberland, deceased, be, and they are hereby authorised and empowered to sell, at private or public sale, all the right, title and interest, which the said Christian Geese had and held, in the following described lots of ground, at the time of his death, (to wit:) two lots of ground, with the buildings thereon erected, situate on the north side of the Main-street, in the borough of Newville, numbered twenty-eight and thirty-eight, in the plan of said borough; also, a lot of ground situate in Newton township, and county aforesaid, bounded by the Conodoguinet creek, and lands late of William M'Candlish, deceased, and others, containing eleven acres and sixty-eight perches; and to execute a deed or deeds to the purchaser or purchasers thereof: *Provided, however,* That before any such sale shall be valid, it shall be approved of by the orphans' court of Cumberland county; and the said administrators shall give security, to be approved of by said court, conditioned for the faithful appropriation of the proceeds of said sale, according to law.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 212.

A SUPPLEMENT

To the act entitled "An act for the relief of the creditors of the Harrisburg, Carlisle and Chambersburg turnpike road."

Preamble.

WHEREAS, it has been represented to the Legislature, that Matthew Irvine has become liable to William Scott, Michael Kimmel and Andrew Aldridge and Benjamin Hig-

tion, trading under the firm of Aldridge and Higdon, for the sum of five thousand dollars, with interest from the second of August, one thousand eight hundred and nineteen, which money was recovered against the said Matthew Irvine in the Circuit Court of the United States, by a decree of the eighteenth May, one thousand eight hundred and twenty-nine, upon a guarantee executed by the said Matthew Irvine, together with Robert Blaine and John Carothers, by which they were bound, as security for the Harrisburg, Carlisle and Chambersburg turnpike road, for the payment of ten drafts, of five hundred dollars each, payable to John P. Helfenstine, on account of a contract for making a part of the said road: *And whereas*, by the passage of the act to which this is a supplement, dated first of April, one thousand eight hundred and twenty-three, the profits of the said road are directed to be applied to certain preferred creditors of the said turnpike company, and the said William Scott, Michael Kimmel and Aldridge and Higdon are about to issue an execution against the said Matthew Irvine, for the amount so decreed in their favour, respectively, and the said Matthew Irvine has just reason to believe that his whole property will be sacrificed, the other individuals jointly bound with him being dead and insolvent; for remedy whereof:

Therefore,

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same. That it shall be the duty of the court of common pleas of Cumberland county, from time to time, to distribute the monies which shall hereafter be paid into court, in pursuance of the provisions of the first section of the act to which this is a supplement, passed the first day of April, one thousand eight hundred and twenty-three, to the payment of two thousand five hundred dollars, with interest from the second of August, one thousand eight hundred and nineteen, to William Scott, his heirs or assigns; one thousand five hundred dollars, with interest from the second of August, one thousand eight hundred and nineteen, to Michael Kimmel, his heirs or assigns; one thousand dollars, with interest from the second of August, one thousand eight hundred and nineteen, to Aldridge and Higdon, their heirs or assigns; being the amount of money and interest due to the said individuals, respectively, and for which they have obtained a decree against the said Matthew Irvine and Robert Blaine, in the Circuit Court of the United States, on the eighteenth of May, one thousand eight hundred and twenty-nine, pro rata, with the labouring contractors, in the manner directed by the second section of the act to which this is a supplement: *Provided nevertheless*, That the said William Scott, Michael Kimmel and Aldridge and Higdon, their heirs, ex-

Court of common pleas of Cumberland to direct distribution of certain monies under former law for the benefit of Messrs. Scott, Kimmel, Aldridge and Higdon.

Proviso.

Creditors to execute a release to M. Irvine within 6 months.

2d proviso. If creditors refuse to release court to pay monies to M. Irvine.

3d proviso. Release not to impair rights of creditors.

Repeal.

executors, administrators or assigns, in order to entitle themselves to the benefit of this act and the act to which it is a supplement, shall jointly, within the period of six months, from and after the passage of this act, execute to the said Matthew Irvine, or his heirs, a release of himself and his estate from the payment of the money so decreed in their favour against him, and file the same in the said court of common pleas of Cumberland county: *Provided also*, That if the said William Scott, Michael Kimmel and Aldridge and Higdon, their heirs, executors, administrators or assigns shall neglect or refuse, for the said space of six months, so to execute and file the aforesaid release, then the said court of common pleas shall, and they are hereby directed, to pay the said proportions, from time to time, to the said Matthew Irvine, his heirs, executors, administrators or assigns, in the same manner as is directed to be paid to the labouring contractors: *And provided further*, That the execution of any such release, as aforesaid, shall not in any manner affect or impair the rights of the said creditors, to recover their claims from the said company.

SECT. 2 *And be it further enacted by the authority aforesaid*, That so much of any former law as is hereby altered and supplied, be and the same is hereby repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 213.

AN ACT

Authorising the trustees of certain churches, therein named, to sell and convey certain real estate.

Four united churches, Egyptian, Union, Jordan and Northampton, authorised to sell and convey certain property.

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That John Rhoads, Jacob Michley, Conrad Kennel, and Thomas Kern, church-wardens and trustees of the four United Churches of North Whitehall, South Whitehall, and borough of Northampton, in the county of Lehigh, commonly called the Egyptian church, and the Union church

in North Whitehall township, the Jordan church, in South Whitehall township, and the German reformed church in the borough of Northampton, in said county, and their successors, church wardens and trustees, as aforesaid, be, and they hereby are authorised to sell and convey, or to convey according to the terms and conditions of the sales by them already made, two certain tracts or parcels of land, situate in said county of Lehigh; one of which said tracts of land, containing twenty-five acres, or thereabouts, and the usual allowance of six per cent. was conveyed to the church wardens or trustees of said churches, by Michael Kern and wife, by their deed, bearing date the sixth day of June, one thousand eight hundred and one; and the other of which said tracts of land containing six acres and fifty-three perches, or thereabouts, was conveyed to the said church wardens or trustees, by Peter Rumbel, by his deed, bearing date the eighth day of April, one thousand eight hundred and fourteen; and the deed or deeds for said tracts of land executed by said church wardens and trustees, or their successors, shall convey to the purchaser or purchasers all the right, title and interest of the aforesaid churches, of, in and to the said lands.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 214.

A SUPPLEMENT

To an act, approved the fourteenth day of April, one thousand eight hundred and twenty-eight, entitled "An act authorising the sale and conveyance of certain real estate."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the power and authority granted or given to Benjamin Pott, administrator of the estate of John Pott, Pott, senior, late of Schuylkill county, deceased, in and by the first section of the act to which this is a supplement, be

and the same hereby are vested in John Pott, administrator de bonis non of the said John Pott, senior, deceased: *Provided*, the said John Pott shall give such security as is required in and by said section.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF

No. 215.

AN ACT

Authorising the election of additional constables in the township of Norwegian, in the county of Schuylkill, and in the township of Columbia, in the county of Bradford.

Election of
two constables in Norwegian township, Schuylkill county, authorised. Proviso. Location.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act it shall and may be lawful for the electors of Norwegian township, Schuylkill county, to elect, annually, at their usual place of electing township officers, four qualified citizens, two of whom shall be appointed, to serve as constables for said township, subject to the same rules and regulations as constables are now by law regulated: *Provided*, That two of the persons so elected and one of the persons so appointed shall reside in that part of said township, being south west of the Centre turnpike road, and the other two persons so elected and the other person so appointed shall reside in that part of said township, being north east of the said Centre turnpike road.

Two in Columbia township, Bradford county.

SECT. 2. *And be it further enacted by the authority aforesaid*, That from and after the passage of this act it shall and may be lawful for the electors of Columbia township, Bradford county, to elect, annually, at their usual place of electing township officers, four qualified citizens, two of whom shall be appointed to serve as constables for said township, subject to the same rules and regulations as constables are now by law regulated.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the courts of quarter sessions of the counties of Schuylkill and Bradford to appoint an additional constable in the townships aforesaid, to serve as such until after the elections in the year one thousand eight hundred and thirty-two. Courts to appoint constables pro tem.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 216.

AN ACT

To annul the marriage contract between John Boner and Margaret his wife.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between John Boner and Margaret his wife, of Greene county, be and the same is hereby declared null and void, and the parties set free from all the obligations arising therefrom. Divorce.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 217.

AN ACT

Regulating the boroughs of Petersburg, in Huntingdon county; Erie, in Erie county; Honesdale, in Wayne county; Frankford, in Philadelphia county; Stoystown, in Somerset county; and the Northern Liberties of Pittsburg.

Time of holding borough elections in Petersburg.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for all persons entitled to vote for borough officers, in the borough of Petersburg, in the county of Huntingdon, to meet at the public school house, in the said borough, on the fourth Tuesday of March, for the purpose of choosing such officers as is directed by law; and that so much of the second section of the act incorporating the said borough, as is hereby altered or supplied, be and the same is hereby repealed.

Annual election of two constables in Erie authorized.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the citizens of the borough of Erie, in the county of Erie, who are by law entitled to vote for the burgess and town council of the said borough, shall, on the Friday preceding the third Saturday of March, A. D. one thousand eight hundred and thirty-two, and annually thereafter, elect, at the court house in the said borough, four reputable citizens of the said borough, and return the names of the persons so elected to the court of quarter sessions of the said county of Erie, which said court shall appoint two of them to be constables for the said borough, for one year, from and after their appointment, with like powers, and in the same manner as is directed by law, for the election and appointment of constables in the several townships in this commonwealth.

Election of one constable pro tem. in Erie.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the qualified electors, as aforesaid, of the said borough of Erie, shall, on the second Friday of June next, elect, at the court house in the said borough, two reputable citizens of said borough, and return the names of the persons so elected to the court of quarter sessions of the said county of Erie, which said court shall appoint one of them to be a constable for the said borough, with the like powers and in the same manner as is directed by law for the election and appointment of constables in the several townships; which constable, so elected and appointed, shall hold his office from and after his appointment until the Friday preceding the third Saturday of March next thereafter, notwithstanding there

may be at the time of said election and appointment, a constable duly elected and appointed for the said borough.

SECT. 4. *And be it further enacted by the authority aforesaid,* That so much of the act of the twentieth of March, eighteen hundred and ten, as provides that no person shall be permitted to serve as constable more than three years, in any term of six years, shall be and the same is hereby repealed, so far as relates to the borough of Erie. Term of service unlimited in Erie.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the qualified electors of the borough of Honesdale, in the county of Wayne, shall, annually hereafter, at the place where they usually meet for the election of borough officers, on the day appointed for the election of constables in the different townships in this commonwealth, elect two reputable citizens of said borough, and return the names of the persons so elected to the next court of quarter sessions of said county, one of whom shall be appointed constable of said borough, in the same manner, with like power and authority, and subject to the same regulations and penalties, as are provided and contained in the laws now existing, or that may hereafter exist, concerning constables within this commonwealth. Annual election of constable in Honesdale.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the burgesses and assistants of the borough of Frankford are hereby authorised and empowered to levy, assess, collect and appropriate a personal tax on the inhabitants of said borough, not exceeding that levied and assessed by the commissioners of the county of Philadelphia. Personal tax authorised in Frankford.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the western and northern boundary of said borough shall be so extended as to include all the lands comprised within the present western boundary of the same, and the following metes and bounds, courses and distances, to wit: beginning at a corner, in the present borough line, and lands late of Jacob Smith and John L. Williams; thence across lands of said Smith and the Oxford or Middle road, and on the line of lands late of Thomas Leiper, deceased, and Richard Wistar, north forty-nine degrees thirty-five minutes, west seventy-eight perches, to a corner; thence on the line of lands of the said Leiper and John Large, south thirty three degrees fifteen minutes, west eighty-two perches and forty five hundredths of a perch, to a corner; thence on the line of lands of the said Large, Enoch Tomlinson, Hugh M'Kinley, and others, north seventy two degrees thirty minutes, west sixty-eight perches and six-tenths of a perch, to the side of Adams' road; thence crossing said road and land of Gardner Fulton, south forty-degrees thirty minutes, west fifty-three perches and four tenths of a perch, to a stone; thence between lands of said Fulton and Frankford calico printing Boundaries of borough extended.

company, south sixty-six degrees, west thirty-two perches, or thereabouts, to the middle of Frankford or Tackony creek; thence down the middle of said creek, the several courses thereof, about two hundred and eighteen perches, to where the present borough line intersects said creek.

Repealing
clause.

SECT. 8. *And be it further enacted by the authority aforesaid,* That so much of the act of assembly, passed the seventh day of March, one thousand eight hundred, incorporating said borough, as is hereby altered, amended or supplied, be and the same is hereby repealed.

Act incorpo-
rating Stoy-
stown revived;
&c.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the "act to incorporate the town of Stoystown, in the county of Somerset," passed the twenty-ninth day of March, one thousand eight hundred and nineteen, be and the same is hereby revived and continued in full force; and any omission hereafter to elect borough officers on the day mentioned in the said act, shall not be taken or construed as avoiding the said act of incorporation; but in such case the election may be held on some subsequent day.

Time of hold-
ing election
in N. Liber-
ties, Pitts-
burg.

SECT. 10. *And be it further enacted by the authority aforesaid,* That from and after the second Tuesday in May next, the borough election of the borough of the Northern Liberties of Pittsburg shall be held on the second Tuesday of January next, and on the same day annually thereafter; and that the assessor and one street commissioner only shall be elected from and after the passage of this act at the annual elections of said borough.

Greensburg
and Pittsburg
turnpike co.
may cede part
of road to N.
Liberties to
be called
Penn street.

SECT. 11. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the president and managers of the Greensburg and Pittsburg turnpike road company, to grant to the borough of the Northern Liberties of Pittsburg so much of said turnpike road as lies within the limits of said corporation, and that the same be hereafter named and known as Penn-street.

Corporation
to take charge
of road.

SECT. 12. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, it shall be lawful for the said borough of the Northern Liberties of Pittsburg, by and with the consent of the said turnpike company, to take under their control and management so much of said road, as above described, with full powers to alter the regulation of the same, and the streets connected therewith, and the placing culverts under, or drains across said road, for carrying off the surplus water; and it shall be lawful for said turnpike road company, upon the stipulation of said borough, to regulate and repair so much of the said road as is above described, to give up the toll on so much of the said road, and no toll shall be exacted thereafter from any person or persons whatever: *Provided always,* That the

Proviso.

provisions of this act shall in no wise affect the interests of the creditors of said turnpike road company, except with their assent.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

This act not
to affect
rights of
creditors.

No. 218.

AN ACT

For the relief of Francis Ross.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorised and required to pay out of the internal improvement fund, to Francis Ross, of the county of Crawford, or his order, the sum of two hundred and forty dollars, in full compensation for his damages for removing his buildings from the line of the French creek feeder, and for damages for said feeder of canal passing through his farm.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 219.

A SUPPLEMENT

To the act entitled "An act to erect the town of Alexandria, in the county of Huntingdon into a borough, and to increase the boundaries of the borough of Milton, and for other purposes."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the borough of Alexandria, in Huntingdon county, be and hereby is extended on the western side thereof,

Borough
boundaries of
Alexandria
extended.

Proviso.
Owners of
property to be
first compen-
sated, &c.

Jurisdiction
of borough
extended ac-
cordingly.

Powers of bo-
rough officers

Borough
constable.

Extension of
the borough
of Milton.

by the following lines, viz: beginning at the south west corner of Henry Neff's lot; thence a straight line, parallel with the turnpike road, to the lands of Zachariah Gemmill, deceased; thence along said lines, northward, to Dorsey's road; and thence, eastwardly, along said road, to the present line of the borough: *Provided however*, That before this act shall go into operation owners of private property shall be compensated for property taken for public use, and expenses shall not be incurred in carrying into effect borough regulations, to a greater extent than the gradual progress of improvement may from time to time require.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the inhabitants included within the aforesaid lines, hereby annexed to the said borough, shall be entitled to all the rights and privileges, and be subject to all the regulations, restrictions and penalties granted to or imposed upon the inhabitants of the borough of Alexandria, as formerly incorporated, either by this act or the act of the eleventh of April, eighteen hundred and twenty-seven, entitled "An act to erect the town of Alexandria, in the county of Huntington, into a borough."

SECT. 3 *And be it further enacted by the authority aforesaid*, That the proper officers of the said borough, as now incorporated, shall have power to regulate the streets and alleys within the said borough, agreeable to the laws of the commonwealth, and as may be found necessary; and that the inhabitants of the said borough, as now incorporated, shall be authorised to choose at their elections for borough officers, one borough constable.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the borough of Milton, in the county of Northumberland, be and hereby is extended, on the eastern side thereof, by the following lines, viz: beginning at the corner of Christopher Woods' out-lot; thence along the line between the farm lately owned by Doctor John S. Dougal, and the farm at present owned by Joseph Straub, running east, and including the farm of said Dougal; thence along Thomas Follmer's line, including the same; thence along Philip Follmer's line, to the east corner; thence, north, along his line, including the same; thence along Andrew Follmer's line, to the road leading to Washington, excluding the road; thence along Andrew Follmer's line, until it strikes Simon Follmer's line, including the same; thence along his line, until it strikes John M. Housel's line; thence along his line to the north corner of said Housel's land; and thence, west, along his line, including the same, till it strikes the present line of the borough, at Mr. Pollock's farm.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the inhabitants included within the aforesaid lines, hereby annexed to the said borough, shall be entitled to all

the rights and privileges, and be subject to all the regulations, restrictions and penalties granted to or imposed upon the inhabitants of the borough of Milton, as formerly incorporated, by an act, passed the twenty-sixth February, one thousand eight hundred and seventeen, entitled "An act to erect the town of Milton, in the county of Northumberland, and the town of Butler, in the county of Butler, into boroughs." Citizens with-
in new bounds
to have same
rights, &c. as
others under
original act.

SECT 6. *And be it further enacted by the authority aforesaid,* That the high constable of the borough of Milton, in the county of Northumberland, shall have, exercise and possess within the limits of said borough, all the powers and duties of the constables elected in the several townships in the said county; and before he shall enter upon the duties of his office, shall take and subscribe the same oath, as other constables, and shall, if not possessed of a freehold estate, in his own right, clear of all incumbrances, of the value of one thousand dollars, enter into a bond, to that amount, with at least one sufficient surety, to be approved of by the court of quarter sessions of the said county, in the same manner as now, with reference to the several constables of the several townships in the several counties within the commonwealth, and for the same uses and trusts, to all intents and purposes, and the same penalties imposed; for neglect or refusal to serve, the said court shall have the same power to appoint another person as the court of quarter sessions in the several counties of this commonwealth have and possess, by law, to appoint a constable in any of the townships in the several counties of this commonwealth. High constable.
Oath of office.
Surety, &c.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 220.

AN ACT.

Entitled "an act regulating the roads and highways, in the counties of Crawford, Venango and Warren."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the county of Crawford, are hereby authorised and required, to divide the several

County commissioners of Crawford to form 4 highway districts.

townships in said county, into four highway districts, as nearly square and equal in extent, as practicable, and mark the same on a plot or draft of said townships, by certain lines or boundaries, with the privilege to change or alter the same, as it shall appear expedient.

Election of one supervisor for each district authorized.

Their duties.

Compensation, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the electors of the several townships, at their annual elections, shall elect one person for each of the said districts in the several townships, as supervisors, whose duty it shall be to expend, in labor, on the public roads, in their respective districts, the taxes authorised by law; and in addition thereto, the said supervisors shall assess each male inhabitant, of twenty one years and upwards, the additional sum of fifty cents, on every inhabitant whose assessment shall be above one hundred dollars and not exceeding five hundred dollars; and an additional sum of one dollar, on all persons whose assessment shall exceed five hundred dollars; and for making such assessment, the supervisor shall receive a compensation of one dollar; the said taxes to be paid by laboring on the road, at an allowance of fifty cents a day, or in cash, in the same manner and under the same regulations, as the road taxes are prescribed and directed to be expended, on the public highway; and that no supervisor shall hereafter create any debt against the township, by working more than the amount of his duplicate and assessment on the roads.

Law relative to the appointment, duties, &c. of road viewers in Crawford Co. changed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the court of quarter sessions of said county, on being petitioned to grant a view to lay out or vacate any public or private road, shall appoint three reputable freeholders, instead of six, as they are now required by law, one of whom shall be a practical surveyor, and who, in the opinion of the court, shall be fully competent to grade the road to be viewed, and who shall receive a per diem compensation of one dollar and fifty cents per day, for every day necessarily employed in viewing, locating and plotting said road; the other two viewers to receive the same compensation as is now allowed by law; that the viewers shall all examine the ground, and any two of them (the said surveyor being one,) shall have power to locate and grade the road, and shall in their plot or draft, accompanying their report, designate what portion of said road was necessary to be graded; and that no road, laid out under this act, shall be confirmed by the court, unless it can be graded at an elevation of not more than six degrees from the plane of the horizon, or cannot be easily reduced to that elevation.

Settlement of township accounts, after division and alteration of boundaries.

SECT. 4. *And be it further enacted by the authority aforesaid,* That when any township in said county has been, or may be divided into two or more new townships, and debts have been or may be due to or from such township, at the time such

division took place, the said deb'ts may be sued for, and recovered in the name of the township, previous to such division, either as plaintiff or defendant, as the case may be, as though such division had not been made, after which a fair and equal distribution shall be made, in proportion to the number of taxable inhabitants separated by such division, both of debts due to such township, or from the same, at the time of such division; and in case a fair and satisfactory distribution cannot be made, by adjustment of the auditors of the respective new townships, the proportion shall be fixed by the commissioners of the county, whose duty it is hereby made to settle the same.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all the provisions of the third and fourth sections of this act, be and the same are hereby extended to the counties of Venango and Warren. Third and fourth sections of this act applied to Venango and Warren.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 221.

A FURTHER SUPPLEMENT

To an act, entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts, and the payment of the public monies, and for other purposes," and a supplement to an act, entitled "An act establishing an internal improvement fund."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Auditor General and State Treasurer be, and they are hereby authorised and required, to close their financial year on the last day of October, instead of the last day of November, as is now provided by law; and that they make out and deliver their several reports to the clerk of the house of representatives, in the manner and form provided by the forty-sixth section of the act, to which this is a further supplement, on or before the first Tuesday of December, in each and every year hereafter. Accountant officers to close their financial year on 31st October.

Commission-
ers of the in-
ternal im-
provement
fund to report
on second
Tuesday in
December.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the commissioners of the internal improvement fund be, and they are hereby authorised and required, to make their report on or before the second Tuesday in December, instead of the first week in February, as is provided in the first section of an act, to which this is a supplement, entitled "An act establishing an internal improvement fund," passed the first day of April, one thousand eight hundred and twenty-six.

Repealing
clause.

SECT. 3. *And be it further enacted by the authority aforesaid,* That so much of an act entitled, "An act to amend and consolidate the several acts, relating to the settlement of the public accounts, and the payment of the public monies, and for other purposes," passed the thirtieth day of March, one thousand eight hundred and eleven, and "An act establishing an internal improvement fund," passed the first day of April, one thousand eight hundred and twenty-six, as is hereby altered or supplied, be and the same is hereby repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 222.

A SUPPLEMENT

To an act, entitled "An act incorporating the town of Lewisburg, in Union county, into a borough."

Tax on dogs
authorised.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the burgess and town council of the borough of Lewisburg, in Union county, are hereby authorised and empowered to levy and collect a tax on any dog or dogs, owned or kept by any person or persons, residing within the limits of said borough; which tax shall be levied and collected at the same time, and in the same manner, and for the same purposes, as other taxes now are within said borough.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 223.

A SUPPLEMENT

To the act entitled "An act to incorporate the Erie and Chatauque Steam Boat company, of Erie," passed the tenth day of April, one thousand eight hundred and twenty-six.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first Monday of January next, no person shall be eligible as president, treasurer or secretary of the Erie and Chatauque steam boat company of Erie, except such as shall be at the time of his election, and during his continuance in office, a citizen of the commonwealth of Pennsylvania; and from and after the said first Monday of January next, a majority of the directors of said company shall be, at the time of their election, and during their continuance in office, citizens of the commonwealth of Pennsylvania.

Eligibility of
officers.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 224.

A SUPPLEMENT

To an act, entitled "An act authorising the Secretary of the Land Office to issue patents to certain actual settlers, residing north and west of the rivers Ohio and Allegheny and Conewango creek," approved fifth April, eighteen hundred and thirty.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the name of Barnabas Scott, in the original act to which this is a supplement, be and the same is hereby changed to Barnabas Scully.

Error corrected
ed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 225.

AN ACT

Regulating election districts.

Bucks county **SECT. 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the electors of the township and borough of Bristol, in the county of Bucks, shall hereafter hold their general election at the New Town house, in said borough.

Berks, Bern township. **SECT. 2.** *And be it further enacted by the authority aforesaid,* That the seventeenth section of the act of the twenty-third day of April, one thousand eight hundred and twenty-nine, regulating election districts, and for other purposes, authorising the electors of a part of Heidelberg township, in the county of Berks, to hold their general elections in Bernville, in Bern township, be and the same is hereby repealed.

Berks, Union. **SECT. 3.** *And be it further enacted by the authority aforesaid,* That the electors of all that part of Union township, in the county of Berks, adjoining the township of Robeson, in said county, beginning at the line of said township, opposite Hampton forge; thence in a direct line to where the Joana road intersects the Hopewell road; thence across said road, to the house of George Keller, including the same; thence down the Hopewell creek, to the farm of John Swinehart, including the same; thence in a direct line to the county of Chester, shall hereafter hold their general elections at the house now occupied by Harman Beard, in the township of Robeson.

Montgomery. **SECT. 4.** *And be it further enacted by the authority aforesaid,* That the township of Whitpain, in the county of Montgomery, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Henry Kerr, in said township.

Westmoreland. **SECT. 5.** *And be it further enacted by the authority aforesaid,* That the electors residing within that part of Hempfield township, in the county of Westmoreland, who have heretofore voted at Mount Pleasant district, in said county, shall hereafter be attached to, and hold their general elections with the electors of East Huntingdon township, in said county.

Somerset. **SECT. 6.** *And be it further enacted by the authority aforesaid,* That the electors of the township of Turkeyfoot, in the county of Somerset, shall hereafter hold their general elections at the house now occupied by Colonel John Younkin, in said township.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the township of Union, in the county of Tioga, shall ^{Tioga, Union.} hereafter be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Eli M. Nitt, in said township.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the township of Farmington, in the county of Tioga, ^{Tioga, Farmington.} shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Chandler Chamberlin, in said township.

SECT. 9. *And be it further enacted by the authority aforesaid,* That that part of Wayne township, in the county of Mifflin, ^{Mifflin.} lying within the following described boundaries, to wit: beginning at the Huntingdon county line, where it joins the Juniata river, near the house of Samuel Wharton; thence in a north western direction, until it strikes the Beaver dam run; thence along said run, until it passes Lukens Atkinson's mill; and thence in a north western direction, until it strikes the Huntingdon county line, on the top of Jack's mountain; thence along said line, to near Jack's narrows; thence along the said county line, to the Juniata river; thence down said river, to the place of beginning, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Thomas Postlethwait, in the said district.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the electors of the township of Rush, in the ^{Schuylkill,} county of Schuylkill, who formerly elected at the house of Rush. John Braus, shall hereafter hold their general elections at the house now occupied by John Sleer, in said township.

SECT. 11. *And be it further enacted by the authority aforesaid,* That all that part of Norwegian township, in the ^{Schuylkill,} county of Schuylkill, lying west of the following line, to ^{Norwegian.} wit: beginning at the point of intersection of the West Branch of the river Schuylkill and Manheim township; thence up the east side of the West Branch of Schuylkill, to its intersection with Barry township, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by David Buckwalter, in the town of Minersville, in said township.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the qualified voters residing in the townships of ^{Schuylkill,} Norwegian and Schuylkill, in the county of Schuylkill, ^{Norwegian} within the following described bounds, shall hereafter be a ^{and Schuyl-} separate election district, viz: beginning on the line between the townships of Norwegian and Manheim; from thence a straight line to the house now occupied by John Penman, and including the same; from thence to the Norwegian church, and from thence to the farm house of F. B. Nichols, Esquire, including the same; and from thence a straight line,

to the line between the townships of Norwegian and Barry; and from thence, following the township line of Barry and Rush, eastward, to a point; from thence a straight line, southward, to the Middleport school house, including the same; and from thence, a straight line, to the division line of Brunswick and Schuylkill townships; and thence, following the township line of Brunswick and Manheim, westward, to the place of beginning, excluding the town of Newcastle; and the qualified electors, residing within the before described bounds, shall hereafter hold their general elections at the Port Carbon house, in the town of Port Carbon, in Schuylkill county aforesaid.

Wayne, Sterling. **SECT. 13.** *And be it further enacted by the authority aforesaid,* That the electors of the township of Sterling, in the county of Wayne, shall hereafter hold their general elections at the house now occupied by Abraham S. Howe, in said township.

Wayne, Preston. **SECT. 14.** *And be it further enacted by the authority aforesaid,* That the electors of the township of Preston, in the county of Wayne, shall hereafter hold their general election at the house of Peter C. Sherman, in said township.

Wayne, Berlin. **SECT. 15.** *And be it further enacted by the authority aforesaid,* That the township of Berlin, in the county of Wayne, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the Berlin school house, in said township.

Northampton. **SECT. 16.** *And be it further enacted by the authority aforesaid,* That the electors of Moore township, in the county of Northampton, shall hereafter hold their general elections at the house now occupied by Solomon Sheaffer, in said township.

Bradford, Tuscarora. **SECT. 17.** *And be it further enacted by the authority aforesaid,* That the township of Tuscarora, in the county of Bradford, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the school house, near Jeremiah J. Lewis', in said township.

Bradford, Smithfield. **SECT. 18.** *And be it further enacted by the authority aforesaid,* That the electors of the Smithfield election district, in the county of Bradford, shall hereafter hold their general elections at the house now occupied by Jabez L. Gerould, in said district.

Bradford, Rome. **SECT. 19.** *And be it further enacted by the authority aforesaid,* That the township of Rome, in the county of Bradford, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Peter Allen, in said township.

Bradford, Granville. **SECT. 20.** *And be it further enacted by the authority aforesaid,* That the township of Granville, in the county of Bradford, shall hereafter be a separate election district, and the

electors thereof shall hold their general elections at the house now occupied by Klam Parkhurst, in said township.

SECT. 21. *And be it further enacted by the authority aforesaid,* That the electors of the township of Windham, in the ^{Bradford,} county of Bradford, shall hereafter hold their general elections at the house now occupied by Edmund Russel, in said township.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the electors of the township of Sheshequin, in the ^{Bradford,} county of Bradford, shall hereafter hold their general elections at the house now occupied by Ebenezer Shaw, in said township.

SECT. 23. *And be it further enacted by the authority aforesaid,* That that part of the township of Warren, in the county of ^{Bradford,} Bradford, lying west of a line drawn from the north east ^{Warren.} corner of the township of Orwell, a north course, to the New York state line, shall hereafter be attached to Windham township election district.

SECT. 24. *And be it further enacted by the authority aforesaid,* That the township of Carbondale in the county of Luzerne, ^{Luzerne.} shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the Carbondale Mansion House, in Carbondale.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the electors of the township of Wheatfield, in the ^{Indiana.} county of Indiana, shall hereafter hold their general elections at the house now occupied by James Elliott, in the village of Armagh, in said township.

SECT. 26. *And be it further enacted by the authority aforesaid,* That the electors of the township of Lower Mahonoy, ^{Northumber-} in the county of Northumberland, shall hereafter hold their land. general elections at the house now occupied by George Moyer in said township.

SECT. 27. *And be it further enacted by the authority aforesaid,* That the electors of Londonderry township, in the ^{Bedford,} county of Bedford, shall hereafter hold their general elections at the house now occupied by John Miller, in said ^{Londonderry.} township.

SECT. 28. *And be it further enacted by the authority aforesaid,* That the electors of the township of Colerain, in the ^{Bedford,} county of Bedford, shall hereafter hold their general elections at the court house in the borough of ^{Colerain.} Bedford.

SECT. 29. *And be it further enacted by the authority aforesaid,* That the electors of the township of Blockley, in the ^{Philadelphia,} county of Philadelphia, shall hereafter hold their general elections at the house now occupied by James Halls, in said ^{Blockley.} township.

SECT. 30. *And be it further enacted by the authority aforesaid,* That the electors of Chest township, in the county of ^{Clearfield,} Clearfield, shall hereafter hold their general elections at the ^{Chest.} Chest.

house now occupied by John Smith, in the town of New Washington, in said township.

Clearfield,
Gibson and
Fox.

SECT. 31. *And be it further enacted by the authority aforesaid,* That all that part of the townships of Gibson and Fox, in the county of Clearfield, contained within the following bounds, viz: commencing at the north west corner of lot number five thousand seven hundred and seventy-seven, in district number four; thence, north, to M'Kean county line; thence, east, the length of eight lots or tracts; thence, south, on the line between lots number five thousand and one and five thousand and two, until a west course, at a right angle, will strike the place of beginning, shall form a separate election district, and the electors within said bounds hold their general elections at the house now occupied by Thomas Ligget, in Gibson township.

Perry.

SECT. 32. *And be it further enacted by the authority aforesaid,* That the electors of that part of the township of Juniata, in the county of Perry, who now hold their general elections at the house of John Koch, shall hereafter hold the same at the house now occupied by John Sipe, in the village of Milford, in said township.

Erie, Beaverdam.

SECT. 33. *And be it further enacted by the authority aforesaid,* That the electors of the township of Beaverdam, in the county of Erie, shall hereafter hold their general elections at the house now occupied by David Waters, in said township.

Erie, M'Kean.

SECT. 34. *And be it further enacted by the authority aforesaid,* That the electors of the township of M'Kean, in the county of Erie, shall hereafter hold their general elections at the house now occupied by James W. Potts, in said township.

Adams.

SECT. 35. *And be it further enacted by the authority aforesaid,* That the electors of the township of Menallen, in the county of Adams, shall hereafter hold their general elections at the house now occupied by W. and F. Hapkey, in said township.

Allegheny,
St. Clair.

SECT. 36. *And be it further enacted by the authority aforesaid,* That the electors of each election district of St. Clair township, Allegheny county, shall, at the times and places of holding elections for such officers, as prescribed by law, elect for each district one supervisor, two assessors, three auditors and one overseer of the poor; and a collector shall be appointed for each district, in the manner prescribed by law; and each of said election districts shall have the privileges of a separate township, as to the assessment, collection and expenditure of township taxes.

Allegheny,
Pitt.

SECT. 37. *And be it further enacted by the authority aforesaid,* That the electors of that part of Pitt township, Allegheny county, who are authorised by the thirty-ninth section of the act, entitled "An act regulating election districts," passed the sixth day of April, one thousand eight

hundred and thirty, to hold their annual elections at the house owned by John Anderson, known by the name of the "Fountain Inn," may, hereafter, at the usual time of holding township elections, in each year, assemble at the house hereinbefore specified for holding the general election, and then and there elect one supervisor of the roads, one overseer of the poor, and one constable; it shall be the duty of the said officers, thus elected, to serve within the bounds of said election district, as if the same were a separate township; and it shall be the duty of the supervisors of the road to expend within the said district all the road taxes collected within the same; and one supervisor of the roads, one overseer of the poor, and one constable, shall be elected by the citizens of the remaining part of Pitt township, now electing at East Liberty, as heretofore; and the taxes collected within this part of the township shall, in like manner, be expended within the same; and the residue of the township officers, now elected for Pitt township, shall be elected as at present authorised by law.

SECT. 38. *And be it further enacted by the authority aforesaid,* That the electors of the township of Ross, in the county of Allegheny, shall hereafter hold their general elections at the house now occupied by Henry Cryder, in said township. Allegheny,
Ross.

SECT. 39. *And be it further enacted by the authority aforesaid,* That the electors of the township of Franklin, in the county of Allegheny, shall hereafter hold their general elections at the house of John Shrum, in said township. Allegheny,
Franklin.

SECT. 40. *And be it further enacted by the authority aforesaid,* That the electors of the township of Versailles, in the county of Allegheny, shall hereafter hold their general elections at the White House, on the Greensburg and Pittsburg turnpike road, in said township, formerly owned by Thomas Neill. Allegheny,
Versailles.

SECT. 41. *And be it further enacted by the authority aforesaid,* That the qualified electors of each ward of the city of Pittsburg, shall, at the time and place of holding the inspectors election for said wards, elect an assessor and assistant assessors, to serve for each of said wards, according to the provisions of the act, entitled "An act to raise and collect county rates and levies," passed the eleventh day of April, seventeen hundred and ninety-nine; and the commissioners of the county of Allegheny shall appoint a collector of taxes for each of said wards, without any return to them by said assessors; and the law requiring said return by the assessors aforesaid, as far as respects the city of Pittsburg, is hereby repealed. City of Pitts-
burg.

SECT. 42. *And be it further enacted by the authority aforesaid,* That the electors of the district composed of the borough of Jersey Shore, of the township of Mifflin, and of Lycoming.

part of the township of Nippenose, in the county of Lycoming, shall hereafter hold their general elections at the house now occupied by Lewis Martin, in the said borough of Jersey Shore.

Potter, Sweden, Ulysses, Jackson and Pike.
 SECT. 43. *And be it further enacted by the authority aforesaid,* That the townships of Sweden, Ulysses, Jackson and Pike, in the county of Potter, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Charles L. Corson, in the township of Sweden.

Potter, Genesee, Oswego and Allegheny.
 SECT. 44. *And be it further enacted by the authority aforesaid,* That the townships of Genesee, Oswego, and Allegheny, in the county of Potter, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Cornelius Cannon, in Allegheny township.

Potter, Bingham.
 SECT. 45. *And be it further enacted by the authority aforesaid,* That the township of Bingham, in the county of Potter, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Orry Millard, in said township.

Potter, Harrison and Hector.
 SECT. 46. *And be it further enacted by the authority aforesaid,* That the townships of Harrison and Hector, in the county of Potter, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Philip O. Rich, in the township of Harrison.

M'Kean.
 SECT. 47. *And be it further enacted by the authority aforesaid,* That the electors of the township of Ceres, in the county of M'Kean, shall hereafter hold their elections at the house now occupied by John Tobs, in said township.

Armstrong.
 SECT. 48. *And be it further enacted by the authority aforesaid,* That that part of Allegheny township, in the county of Armstrong, lying on the one side of a line, beginning at the mouth of Cherry run; thence by a straight line to the Kiskiminetas river, at the town of Warren, leaving the said town in the upper district, to be called Kiskiminetas, shall hereafter be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Solomon Shoemaker; and that the remainder of said township, shall also hereafter be a separate election district, to be called the Allegheny district, and the electors thereof, shall hold their general elections at the house now occupied by Peter Klingel Smith, (big) in said district; and the electors of each of said districts shall have a right to choose one inspector; and the election for inspector of Allegheny district, shall be opened and conducted by the constable of said township, and in Kiskiminetas district, by a person appointed by him for that purpose.

SECT. 49. *And be it further enacted by the authority aforesaid,* That the township of Elk, in Warren county, shall hereafter be a separate election district, and the electors thereof shall hold their elections at the school house, in said township, near the house now occupied by Jonathan Pound. Warren.

SECT. 50. *And be it further enacted by the authority aforesaid,* That the electors of Dublin township, in the county of Huntingdon, shall hereafter hold their general election at the house now occupied by Mathew Taylor, junior, in said township. Huntingdon.

SECT. 51. *And be it further enacted by the authority aforesaid,* That the incorporated district of Spring Garden, in the county of Philadelphia, shall be divided into three wards, in the manner following, viz: So much of the district, lying east of the centre of Tenth street, shall be the first ward; and so much of the district, lying between the centre of Tenth street and the centre of Broad street, shall be the second ward; and that part of the district, lying west of the centre of Broad street, shall be the third ward; and the electors of each of the aforesaid wards shall, annually, elect for each ward two assessors, and also two inspectors of the general election; and the said election shall be held at the same time, and under the same regulations, as are now by law provided and practised in the said district, for the election of assessors and inspectors, respectively; and it shall be the duty of the constables of the district, to give notice of the time and place of holding the elections for assessors and inspectors, by handbills, to be posted up in at least ten of the most public places in each ward; and the said elections shall be opened at the time, and superintended in the manner, prescribed by the act, entitled "An act to regulate the general elections within this commonwealth," passed the fifteenth day of February, one thousand seven hundred and ninety-nine, and the acts supplementary thereto; and for refusing or neglecting to perform the several duties prescribed by this act, each and every constable shall incur a penalty of fifty dollars, to be recovered for the benefit of the corporation, as debts of equal amount now are by law recoverable; and the aforesaid election shall be held at the following places: For the first ward, at the public house now occupied by Daniel Newman, in Eighth, near Willow street; for the second ward at the public house now occupied by the Widow Foot, in Callowhill, near Thirteenth street; and for the third ward, at the public house now occupied by Thomas Maguire, in Coates street, opposite the Penitentiary; and the general elections, as heretofore, shall be held at the School House, corner of Buttonwood and Eighth streets; and the inspectors of each ward shall occupy one window; and the number of judges of said election shall be three, who shall be appointed by the said inspectors, at the time and in the manner directed by the District of Spring Garden, Philadelphia county, divided into three wards.

Penalty on neglect of constables. Times and places of holding ward elections.

General elections.

act, entitled "An act to regulate the general elections within this commonwealth," passed the fifteenth day of February, one thousand seven hundred and ninety-nine, and the several acts supplementary thereto.

Certain election in Bloomfield, Perry county, made valid.

SECT. 52. *And be it further enacted by the authority aforesaid,* That the election held on Friday the eighteenth day of March, one thousand eight hundred and thirty-one, for the several offices of the borough of Bloomfield, in the county of Perry, be and the same is hereby declared to be as valid and effectual in law to all intents and purposes, as if the said election had been held agreeably to law; and the persons elected on the day aforesaid, shall continue to hold their respective offices to which they have been elected, until the third Friday of March next, and until others shall be duly elected and qualified; and shall have all the powers, perform all the duties, and be subject to all the fines and penalties prescribed in the act, entitled "An act to incorporate the town of Bloomfield, in the county of Perry, into a borough," approved the fourteenth day of March, one thousand eight hundred and thirty-one; and if any vacancy shall happen, from any cause whatever, it shall be filled in the manner directed by the last mentioned act.

Wheatfield township, Perry county.

SECT. 53. *And be it further enacted by the authority aforesaid,* That hereafter the general elections for the township of Wheatfield, in the county of Perry, shall be held at the school house in the town of Petersburg, in said township, excepting that part which is attached to the Bloomfield election district.

Election of assessors in the borough of Reading, Berks county.

SECT. 54. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, it shall and may be lawful for the electors of the borough of Reading, on the same day, and at the same time and place, and under the same regulations, as inspectors for the general elections are directed to be chosen, annually, to elect two citizens, one residing in North ward and the other residing in South ward, to be assessors for their respective wards, for the term of one year, and in the year one thousand eight hundred and thirty-one, and every third year following, four other citizens, two residing in North ward, and the other two residing in South ward, to be assistant assessors, for their respective wards, for the term of one year, to do and perform the several duties heretofore and that shall be hereafter enjoined on assessors and assistant assessors, by law; and if at any election as aforesaid any ticket or tickets shall be received containing the names of two persons residing in the same ward for assessors, or more than two persons for assistant assessors, the same shall not be counted or considered of any effect, so far as respects the two or more persons voted for, residing in the same ward, and for the same office.

SECT. 55. *And be it further enacted by the authority aforesaid,* That the citizens of the township of Hopewell, in the Huntingdon county of Huntingdon, shall hereafter hold their general elections at the house now occupied by David Simonton, in said township.

SECT. 56. *And be it further enacted by the authority aforesaid,* That the township of Stony Creek, in the county of Somerset, shall hereafter be a separate election district, and the electors thereof shall hold their general elections in Shanksville, at the house now occupied by Jacob J. Shober, in said township.

SECT. 57. *And be it further enacted by the authority aforesaid,* That all the following described part of Washington township, in the county of Indiana, situate within the following described line: beginning at the west end of the borough of Indiana; thence a westwardly course, along the old state road, to the place where M'Kee's road intersects said old state road, near James Thompson's dwelling house; thence along said M'Kee's road, past Christopher Stucholls', to M'Kee's mill; from thence to the house of Samuel Lewis; from thence, past the house of the widow Dougherty, a straight line, to the Green township line; thence along said Green township line, to the division line of Centre and Washington townships; thence along said division line, to the east end of the borough of Indiana, aforesaid, shall and is hereby annexed to the borough of Indiana, for the purpose of holding their general election; and so much of an act, entitled "An act to regulate the general elections within this commonwealth," passed the fifteenth day of February, one thousand seven hundred and ninety-nine, as directs that where several parts of townships shall form an election district, that the citizens of each part of such townships shall choose one inspector, is, so far as it relates to the aforesaid division, repealed.

SECT. 58. *And be it further enacted by the authority aforesaid,* That the electors residing in the township of Manheim, in the county of Schuylkill, within the following described bounds, shall hereafter be a separate election district, viz: beginning at the Norwegian township line, where it crosses the West Branch of the river Schuylkill; thence down said branch, to the foot of the second mountain; thence in a straight line to the Schuylkill bridge, where the Centre turnpike road crosses the said river; thence in a straight line, along the second mountain, to the head of Poplar run; thence down said run to the river Schuylkill; thence down said river, to the line of Brunswick township; thence along the boundary line of Manheim township, to the place of beginning; and the electors thereof shall hold their general elections at the house now occupied by Michael Frerhafer, at Schuylkill Haven, in said township.

Macungie
township,
Lehigh co.

SECT. 59. *And be it further enacted by the authority aforesaid,* That hereafter, the electors of the two election districts of the township of Macungie, in the county of Lehigh, shall vote for assessors and assistant assessors, at the places of holding the general elections in said districts, respectively, at the times and in the manner assessors and assistant assessors are, by law, voted for; and on the Monday following every election, one of the judges of the election from each of said districts, shall meet at the place of holding the township elections, in said township, and count the votes for assessor and assistant assessors, as the case may be, and declare the persons having the greatest number of votes in the whole township duly elected, in the usual form, and give the persons elected notice thereof accordingly; for which service said judges shall receive one dollar, each, to be paid by the supervisors of the highways, out of the township funds of said township.

Election of
commission-
ers in Moya-
mensing,
Philadelphia.

SECT. 60. *And be it further enacted by the authority aforesaid,* That the electors of Moyamensing, in the county of Philadelphia, shall hereafter hold their elections for commissioners of the said township at the place where the general elections in the said township are usually held; and it shall and may be lawful for the freemen of the said township, qualified to vote for members of the general assembly, to choose, by ballot, on the second Friday in May next, from the qualified voters of the said township, fifteen persons, to serve as commissioners, in and for the said township; and the five persons who shall have the greatest number of votes shall be commissioners for three years, and the five persons who shall have the next greatest number of votes shall be commissioners for two years, and the five persons who shall have the next or third greatest number of votes shall be commissioners for one year, next ensuing; and on the second Friday in May, annually, thereafter, five persons shall be elected, as aforesaid, to serve as commissioners, in and for said township, for three years, and the fifteen persons so elected, in pursuance of this act, shall meet together at the place where the commissioners usually met, on the first Monday of June next, between the hours of two and four in the afternoon and receive the returns of the said election, and judge and determine thereon; and on the first Monday of June, annually, thereafter, at such place and time as aforesaid, the five commissioners elect shall meet, together with the ten commissioners whose time shall not have expired, and shall proceed to examine the returns, as aforesaid, and judge and determine thereon and approve thereof, or set aside the same and order new elections, as the law may require: *Provided,* That all elections hereafter held in the said township, shall be opened between the hours of ten and twelve in the morning, and close at nine o'clock, in the evening; and shall

Classification.

Meeting, &c.

Proviso.
Time of open-
ing and clos-
ing polls.

be conducted by two inspectors, and four judges, who shall appoint four clerks; and that one inspector, two judges, and two clerks, shall sit at one window, denominated "East Moyamensing," to receive the votes of the citizens residing in the said township, east of Eighth street, and one inspector, two judges, with two clerks, shall sit at another window, denominated "West Moyamensing," to receive the votes of citizens residing in the said township, in and west of Eighth street; and that the said elections shall in all respects (except as herein otherwise directed) be conducted in the same manner, and subject to the same rules and penalties, as the general elections now are by law: *And provided*, That the inspectors of the said commissioners' election, shall be chosen at ten o'clock in the forenoon, by a majority of the electors then present, which said inspector shall choose the judges of said commissioners' election, any law contrary to the provisions of this section, notwithstanding.

SECT. 61. *And be it further enacted by the authority aforesaid*, That so much of any act or acts, as is by this act altered or supplied, be and the same is hereby repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 226.

AN ACT

Concerning the destruction, by fire, of any arms or military stores, the property of this commonwealth.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That in case of any volunteer or militia man of this state, having any public arms, or other public military property, belonging to this commonwealth, in his possession, and the same have been or may hereafter be destroyed, by the accidental burning of any house or other building, where such arms or other property may have been deposited, the person holding the same shall make oath or affirmation of the fact to the proper Brigade Inspector, who shall report the same to

Adjutant General to release.

In case of partial injury arms may be sold by inspector.

the Adjutant General, whose duty it shall be to make a record thereof, and release all parties concerned from any responsibility, with respect to such arms or other military property, so burned or destroyed; and where any public arms may have been so injured, by burning, as aforesaid, as in the opinion of the proper Brigade Inspector, to render them not worth repairing, it shall be the duty of the inspector to make sale of the remains of such arms, and account for the proceeds, in the settlement of his accounts, with the proper department.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 227.

AN ACT

Concerning the action of account render.

Explanation of powers of jury or judge.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act in all actions of account render, now pending or to be brought, the jury before whom the same shall be tried, shall have full power to settle the accounts of the parties, and find in favor of the plaintiff or of one or more of the defendants, such sum or sums as shall appear to be due; and the court in which said action is pending, or any judge thereof, may make such orders upon any of the parties, in relation to books, documents or papers, as may appear to be necessary, for a full and equitable adjustment of the controversy.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 228.

AN ACT

To authorise the commissioners of Jefferson county to alter a certain part of the Susquehanna and Waterford turnpike road.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of Jefferson county be, and they are hereby authorised and empowered to lay out and make one mile and ten perches of turnpike road, through the village of Brookville, in said county; said road not to exceed five degrees from a horizontal line, and to be connected with the Susquehanna and Waterford turnpike road at both ends. Commissioners may make road through Brookville.

SECT. 2. *And be it further enacted by the authority aforesaid,* That as soon as the said road is finished, so much of the said Susquehanna and Waterford turnpike road, as lies between the points of intersection, aforesaid, may be vacated; and the commissioners of said county are hereby authorised to draw their warrant on the treasurer of Jefferson county, for the amount necessarily expended by them in making said road. So much of road may be vacated by company. Expense of construction.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the first day of April next, it shall be the duty of the supervisors of the public highways in each and every township in the county of Jefferson, to lay out and expend at least two thirds of the amount of all the road taxes assessed each year, in each and every township, aforesaid, in opening and repairing the public highways within said township and county, on or before the first day of October, in each and every year. Supervisors of highways in Jefferson to expend two-thirds of road tax prior to 1st October

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 229.

A SUPPLEMENT

To an act, entitled "An act to incorporate the Beaver Meadow Rail-Road and Coal Company."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Beaver Meadow rail-road and coal company to continue their rail-road, to any convenient point or place on the river Lehigh, or down the valley of said river, to the Delaware canal, at or near Easton, upon the same terms and conditions as if this right had been contained in the act to which this is a supplement; and that if any increase of the capital stock be deemed necessary, by the stockholders, to complete the said rail-road, it shall and may be lawful for the president and directors of the said company, at a stated or special meeting, convened for that purpose, to increase the number of shares, so that the capital stock of said company shall not exceed eight hundred thousand dollars, and to receive and demand the monies for shares so subscribed, in like manner as is provided for by the original act, to which this is a supplement, or as shall be provided for by their by-laws: *Provided,* That no part of said rail-road shall approach within ten feet of the works of the Lehigh coal and navigation company, except in crossing said canal with bridgeways, to be constructed of a height equal to the bridges constructed by said company; that the work upon that part of said rail-road, from immediately above Mauch Chunk, down the valley of the river Lehigh, shall not be commenced until the ground shall have been examined by two competent engineers, who shall be named by the canal commissioners; and the said engineers shall have given their opinion in writing that a rail-road can be constructed upon said route, without injuring the canal of the said Lehigh coal and navigation company, or the works necessarily appertaining thereto, or obstructing the navigation on said canal.

Company may extend rail-road to river Lehigh or Delaware canal.

Increase of capital.

Not to exceed \$600,000.

Proviso. Not to approach within 10 feet of Lehigh company works. Bridgeways.

Part of work not to be commenced until viewed by two engineers under appointment of canal commissioners.

Suits between the companies to be tried in Montgomery co.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all suits and causes of action, arising under this act, and the act to which this is a supplement, between said companies, shall be instituted and tried in the court of common pleas of Montgomery county; and it shall be lawful for the sheriff of said county to serve process on the officers of either of said companies, wherever found within the commonwealth.

SECT. 3. *And be it further enacted by the authority aforesaid,*
That it shall not be lawful for the said Beaver Meadow rail-
road and coal company, to unite its corporate powers with
those of the Lehigh coal and navigation company.

Union of cor-
porate powers
forbidden.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight
hundred and thirty-one:

GEO. WOLF.

No. 230.

A FURTHER SUPPLEMENT

To an act, entitled "An act to authorise the Governor to incorporate the
president, managers and company of the Philadelphia and Great Bend
turnpike road."

SECT. 1. *Be it enacted by the Senate and House of Repre-*
sentatives of the Commonwealth of Pennsylvania in General
Assembly met, and it is hereby enacted by the authority of the
same, That from and after the period for which the presi-
dent and managers were elected, the number of managers in
the Philadelphia and Great Bend turnpike road company
shall be seven, the president included, to be elected as here-
tofore, and to possess the same powers; a majority of whom
shall be a quorum to do business.

Number of
managers
fixed at 7.

SECT. 2. *And be it further enacted by the authority aforesaid,*
That in all cases where logs of timber shall be drawn upon
the said road, without a carriage, it shall be lawful for said of timber.
company to charge the same tolls as though the same should
be drawn on a carriage with two wheels.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight
hundred and thirty-one.

GEO. WOLF.

No. 231.

A SUPPLEMENT

To an "Act laying a tax on dogs in certain counties, and for other purposes, and the supplements thereto."

Tax on dogs
in Chester co.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of Chester county, be and they are hereby authorised and empowered, to levy and cause to be collected, annually, in the manner provided by the acts to which this is supplementary, from every person residing in said county, who shall own, possess or keep about his or her house, one dog, any sum, not exceeding one dollar; and for every additional dog, kept about the same house, any sum, not exceeding two dollars.

Fine for not
returning
dogs in Ches-
ter and Dela-
ware.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any person, in the counties of Chester or Delaware, shall permit any dog to be kept or to remain about his house, that is not returned by him to the assessor, such person shall be liable to pay a fine of two dollars, to be recovered for the use of the informer, as debts of that amount are by law recoverable.

Dogs found
within cer-
tain en-
closures in those
counties may
be killed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That any dog seen within an enclosure where cattle or sheep are kept, in either of said counties, except when in company with his owner, may be lawfully killed. This act shall take effect on the first day of August next.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 232.

A FURTHER SUPPLEMENT

To an act, entitled "An act to enable the owners and possessors of Schuylkill Point meadow land, in the county of Philadelphia, to keep the banks, dams, sluices and flood-gates in repair, and to raise a fund to defray the expenses thereof," and for other purposes.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall

and may be lawful for the owners and possessors of Schuyl-kill Point Meadow land, in the county of Philadelphia, to hold their election for managers and treasurer of said company, on the third Tuesday of October, in each and every year, subject to such provisions as are by said act provided; and that so much of said act as is hereby altered or supplied be and the same is hereby repealed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the proceedings which are authorised by the thirteenth section of the act, entitled "A further supplement to the act entitled, An act authorising the Governor to incorporate the Milesburg and Smethsport turnpike road company," passed eleventh day of April, one-thousand eight hundred and twenty-five, and a supplement to the said act, passed the second day of February, one thousand eight hundred and twenty-eight, in cases when the said company shall have finished five miles or more of said road, be and the same are hereby authorised and extended to portions less than five miles of said road, which are or shall hereafter be finished as aforesaid.

Milesburg & Smethsport turnpike road company may have views on sections of less than five miles.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the time allowed in an act, entitled "An act authorising the Governor to incorporate the Washington and Pittsburg turnpike road company," passed the twenty-fifth day of March, one thousand eight hundred and seventeen, and the several laws relative to the completion of the said road, be and the same are hereby extended, for the term of one year, from the twentieth day of March, one thousand eight hundred and thirty-one; and the said laws shall be and remain in as full force as though the time in this act extended had been allowed in the original act: *Provided,* That hereafter, the number of managers to be elected annually by said company shall be five.

Laws relative to the Washington and Pittsburg turnpike, extended one year.

Proviso. No. of managers.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the Governor is hereby authorised and required to draw his warrant on the State Treasurer, in favor of said Washington and Pittsburg turnpike road company, for such part of the amount of stock to be paid by the commonwealth, as has not been embraced in any warrant heretofore drawn.

Governor to draw warrant in favor of company for balance due.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the ninth section of the act, entitled "An act to incorporate the Danville and Pottsville rail road company," passed the eighth day of April, A. D. one thousand eight hundred and twenty-six, be and the same is hereby repealed.

Ninth section of act incorporating Danville and Pottsville rail road company, repealed.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president and managers of the Danville and Pottsville rail-road company, shall have power to purchase, with the funds of the said company, and place on the rail-road constructed by them, under this act, all machines, wagons, vehicles, carriages and teams, of any kind whatsoever, which

Company authorised to transport merchandize, &c.

Rates of toll.

Proviso.
To transport
goods in order
of receipts at
depot.

they may deem necessary or proper, for the purposes of transportation; and that they may also, to any extent which they may deem it advisable, transport all goods, wares, minerals and merchandise, or other articles which may be offered them for transportation, and all passengers wishing to be conveyed on their rail-road; and the said president and managers may charge for toll and freight on all articles and for all passengers, so conveyed by them, their officers or agents, not exceeding twice the rates granted in the act incorporating the said Danville and Pottsville rail-road company, for toll alone: *Provided*, That they shall in this case be required to transport to the termination of the said rail-road, or to any other point on the said rail-road, in the order in which they, their officers, and agents shall be requested to transport the same, all goods, wares, minerals and merchandise, or other articles, which shall have been deposited at the company's depot, or convenient to the said road, so that equal and impartial justice shall be done to all owners of property by the said company, who shall pay or tender to the officers of the company, the toll and freight due under this act, on the goods, wares, minerals and merchandise, or other articles, which they may wish transported.

When Gettysburg and Hagerstown turnpike co. complete five miles, Governor to draw for double the amount paid by individuals.

SECT. 7. *And be it further enacted by the authority aforesaid,* That so soon as the Gettysburg and Hagerstown turnpike road company shall have completed any five miles of said road, it shall be the duty of the Governor to draw his warrant on the State Treasurer, for a sum, double in amount to the sums which shall have been paid by individual stockholders, out of the amount already authorised to be subscribed by the Governor, on behalf of this commonwealth.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one. **GEO. WOLF.**

No. 233.

AN ACT

Concerning the South East and South West corners of Water and Walnut Streets, in the city of Philadelphia.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the eastern and western lines of Water street, at the

south east and south west corners of Walnut and Water streets, in the city of Philadelphia, shall be as follows, to wit: the western line of Water street shall be continued in straight line with the other houses, on the west side of South Water street, below Walnut street, from the north east corner of the house No. eighty-four, south Water street, to the south side of Walnut street; and the eastern line of Water street shall be continued in a straight line with the other houses, on the east side of south Water street, south of the south east corner house of Walnut and Water streets, to the south side of Walnut street, and so as to be parallel with the western line of Water street, as above established, and so as that Water street, at the said corners, shall not be less than thirty feet wide, the present width of the other part of Water street in the same square: *Provided*, That if, in making such alterations in the said Water street, the property or privileges of any individual or individuals are affected, on the application of such individual or individuals to the court of quarter sessions of the county of Philadelphia, the said court shall order a jury of viewers to view the premises, after due notice given to the parties, and report to said court the amount of damages, if any, by whom sustained, and by whom to be paid, taking into consideration the advantages or disadvantages the proposed alteration will be to the property or privileges of the individual or individuals by it affected; and if said report shall be approved by said court, judgment shall be entered thereon: *And provided also*, That before any such alteration be made, the consent of the corporation of the city of Philadelphia shall be first had and obtained.

Certain corners of Walnut and Water streets regulated.

Proviso.
Redress of persons aggrieved by alterations.

Report of viewers to be confirmed by court.

2d proviso.
Consent of corporation necessary.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 234.

A SUPPLEMENT

To the act, entitled "An act for the relief of James Duffy, a contractor for making the Hanover and Carlisle turnpike road."

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the treasurer of the Hanover and Carlisle turnpike road company, shall pay into the court of common pleas, of Adams county, twice in each year, viz: at the April and

Treasurer to pay semi-annually nett proceeds of tolls into court of Adams county for pro rata distribution to creditors. Court may appoint auditors. *Proviso.* Debts for repairs to be preferred.

November terms, all the tolls received and collected on said road, after deducting therefrom the expenses of the company, in keeping said road in repair, and the collection of the tolls, and payment of the keepers of toll gates, and the just credits; and the said courts shall distribute the said tolls, so paid into court, pro rata, among all creditors of said company, for which purpose the said court may appoint auditors, as often as may be deemed necessary, who shall hear and decide upon the claims of the respective creditors, and make report to the said court, who shall take such order thereupon as shall be just and equitable: *Provided*, That any debts due for repairs heretofore made on said road, and which ought to have been paid out of the tolls heretofore received, shall be preferred to all others, if the said auditors shall find the same just and correct.

SECT. 2. And be it further enacted by the authority aforesaid, That the treasurer of said company shall, in making the return of money so received, as aforesaid, make a full and fair statement, under oath or affirmation, of the money so received, together with the credits of keeping said road in order, and the collection of tolls, and other first credits; which statement shall be filed in said court, together with a statement of the distribution, so made, among the creditors aforesaid.

SECT. 3. And be it further enacted by the authority aforesaid, That if the treasurer of said company shall refuse or neglect to render such account, as aforesaid, and pay said tolls into court, as above directed, the said court shall and may, at the instance of one of the creditors of said company, issue a citation, returnable to any subsequent term of said court, to compel said treasurer to render such statement, as aforesaid, and pay the amount of such tolls into court, as above directed; and in default of said treasurer to comply therewith, then the said court may proceed against said treasurer, by attachment, for contempt, as is usual in similar cases.

SECT. 4. And be it further enacted by the authority aforesaid, That no assignee or creditor of the aforesaid company, shall be entitled to receive more than the amount paid by him for said claim, with interest thereon.

SECT. 5. And be it further enacted by the authority aforesaid, That so much of the act, entitled "An act for the relief of James Duffy," passed the first day of April, one thousand eight hundred and twenty-three, as is hereby altered, be and the same is hereby repealed.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 235.

A FURTHER SUPPLEMENT

To the act, entitled "An act to authorise the officers of the Land Office to accept returns of surveys, and direct patents to issue, where an excess of more than ten per cent. is returned," passed the thirteenth day of March, eighteen hundred and seventeen.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the first and third sections of the act of the sixth day of April, A. D. one thousand eight hundred and thirty, entitled "An act authorising and requiring the Surveyor General to accept returns of surveys in certain cases, be and the same are hereby repealed." First and third sections of act of 6th April, 1830, repealed.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

RESOLUTIONS.

No. 1.

RESOLUTION

Relative to Peter Lawyer, a soldier of the revolutionary war.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,
P. Lawyer to receive his own annuity. That the State Treasurer be, and he hereby is authorised and required to pay to Peter Lawyer, or his order, the annuity now allowed to the said Peter, in the same manner that it has heretofore been paid to his guardian.

FREDK. SMITH,
Speaker of the House of Representatives.

WM. G. HAWKINS,
Speaker of the Senate.

APPROVED—January the fourth, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 2.

RESOLUTION

Relative to a Canal and Lock communication between the Pennsylvania Canal and the Juniata river, opposite the mouth of Tuscarora creek.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,
Survey authorised. That the Canal Commissioners are hereby authorised and required, as soon as conveniently may be, to cause a survey, plan and estimate to be made, of a canal and lock communication, between the Pennsylvania canal and the Juniata river, at, or nearly opposite the mouth of the Tuscarora creek, and report said survey, plan and estimate to the next Legislature.

Resolved by the authority aforesaid, That the petitioners At expense of
 pay the expense that may accrue by said survey and esti- petitioners.
 mate, in case that the said survey and estimate adds any
 additional expense on the state.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The thirtieth day of March, A. D. one thou-
 sand eight hundred and thirty-one.

GEO. WOLF.

No. 3.

RESOLUTION

Relative to the Chesapeake and Ohio Canal.

*Resolved by the Senate and House of Representatives of the
 Commonwealth of Pennsylvania in General Assembly met,*

That the Senators of this state, in the United States' Senate, Recommen-
 and the Representatives of this state, in Congress, are re- dation of a
 quested to endeavour to procure the passage of a law, au- subscription
 thorising the subscription of a million of dollars, on the part by congress
 of the general government, to the stock of the Chesapeake for western
 and Ohio canal company, to be expended on the western section.
 section.

And be it further resolved, That the Governor be requested Transmission
 to transmit a copy of the foregoing resolution to each of our
 Senators and Representatives, in Congress.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one
 thousand eight hundred and thirty-one.

GEO. WOLF.

No. 4.

RESOLUTION

Relative to the Lancaster Phalanx.

Preamble.

WHEREAS, a corps of volunteers, known by the name of the "Lancaster Phalanx," belonging to the Lancaster city Battalion, commanded by Major Frederick Hambright, have for some time had in their custody a piece of ordnance, which in consequence of a recent decision of a board of officers, they have returned to the state arsenal, at this place: *And whereas*, The said corps has performed two tours of duty in the public service, during the last war:

Therefore,

Piece of ordnance to be delivered to Phalanx on giving security.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the said piece of ordnance be returned to the Lancaster Phalanx, the officers thereof having previously entered into sufficient security for the delivery of the same, when required to do so by the Commander in Chief of the militia of this commonwealth.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 5.

RESOLUTION

Relative to the out-let lock at Easton.

Lehigh craft to pass toll free.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That all river boats or arks, owned by any person residing on the Lehigh river, shall be entitled to pass the out-let lock, at the mouth of the said river, either going into the river Delaware or returning therefrom, without toll or charge, for such passage.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 6.

RESOLUTIONS

Relative to the Union.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,
That as the sense of the Senate and House of Representatives of this commonwealth, that the Constitution of these United States having proved itself, by near half a century's experience, a government beyond all others, capable of promoting rational liberty and the general welfare, it must be preserved.

Constitution of the U. S.

Resolved, as the sense of the Senate and House of Representatives, that the Constitution of the United States, authorises acts of Congress to protect manufactures, and that the actual prosperity of the country attests the wisdom of such acts.

Protection of manufactures

Resolved, as the sense of the Senate and House of Representatives, that any diminution of the protection now afforded to iron, would be impolitic and injudicious legislation.

Duty on iron.

Resolved, as the sense of the Senate and House of Representatives, that the Constitution of the United States authorises, and experience sanctions, the twenty-fifth section of the act of Congress, of September, one thousand seven hundred and eighty-nine, and all others, empowering the federal judiciary to maintain the supreme laws.

Federal judiciary.

Resolved, as the sense of the Senate and House of Representatives, that whereas the bank of the United States, has tended, in a great degree, to maintain a sound and uniform currency, to facilitate the financial operations of the government, to regulate foreign and domestic exchange, and has been conducive to commercial prosperity, the legislature of Pennsylvania, recommend a renewal of its charter, under such regulations and restrictions, as to the power of the respective states, as Congress may deem right and proper.

Recommendation of the renewal of the charter of the bank of the U. S.

Resolved, as the sense of the Senate and House of Representatives, that as soon as the national debt shall be paid, the most equitable and just mode of disposing of the surplus funds, which may remain in the treasury of the United States, after defraying the ordinary expenses of the government, and the payment of appropriations which may be made to objects of great national importance, will be by a distribution amongst the several states, in proportion to their representation in the congress of the United States; and that the execu-

Distribution of surplus funds.

RESOLUTIONS,

Executive
veto.

tive veto was properly exercised on the bill, making an appropriation to the Maysville and Lexington road.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 7.

RESOLUTION

Relative to damage done to roads and highways, by the construction of the Pennsylvania canal and feeders or rail-roads.

Superintendents to repair damages under direction of canal commissioners.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That where any public road or highway in this commonwealth shall be injured or destroyed by the construction of any canal, rail-road, feeder or dam, belonging to the state, either by the actual occupation of said roads or highways, or by damming the water on the same, the superintendent of the line of canal, rail-road, feeder or dam, upon which such injury has been sustained, shall, under the direction of the canal commissioners, put the said roads and highways in as good order and repair as they were in before the making of such canals, rail-roads, feeders or dams.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 8.

RESOLUTION

Relative to the protection and repair of the capitol and public offices, and improvement of the adjoining public ground.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Secretary of the Land Office, the Clerk of the Senate, and the Clerk of the House of Representatives, be and they are hereby appointed commissioners, whose duty it shall be, during the ensuing recess of the legislature, to cause the outside of the state capitol to be painted, as far as may be necessary; and also to cause all needful and proper repairs to be done to said capitol, and to the adjoining public offices; and that the sum of one thousand dollars be, and the same is hereby appropriated, for the purposes aforesaid, to be drawn from the state treasury, on warrants of the Governor of the commonwealth, in favor of the said commissioners. Commissioners appointed to have capitol and offices painted and repaired. \$1000 appropriated.

And be it further resolved, That the sum of four hundred and ninety-six dollars ninety-eight cents, be, and the same is hereby appropriated, to enable "the commissioners appointed to superintend the public ground attached to the state capitol," to settle with the contractors employed by them, and that the said sum be drawn from the state treasury, on a warrant or warrants of the Governor of the commonwealth, in favor of the said commissioners. \$496 98 appropriated to pay contractors for enclosing public ground.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF:

No. 9.

RESOLUTION

Relative to the revenue laws.

WHEREAS, it has been suggested to the legislature, that from the date of the passage of the acts of assembly, entitled "An act to increase the county rates and levies, for the use of the commonwealth," and "An act assessing a tax on per-

Preamble.

sonal property, to be collected with the county rates and levies, for the use of the commonwealth," it will be difficult and inconvenient to carry said acts into execution and effect, immediately after the passage thereof:

Therefore,

Revenue laws
not to be in
force until 1st
October, 1831

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the acts, entitled "An act to increase the county rates and levies, for the use of the commonwealth," and "An act assessing a tax on personal property, to be collected with the county rates and levies, for the use of the commonwealth, approved the twenty-fifth of March, one thousand eight hundred and thirty-one, be and they are hereby declared not to be in force and operation until after the first day of October, A. D. eighteen hundred and thirty-one, so that the precepts may issue after that date to the respective township assessors, at the time prescribed by the act of the eleventh April, seventeen hundred and ninety-nine, entitled "An act to raise and collect county rates and levies."

Transmission
of resolution.

Resolved by the authority aforesaid, That it shall be the duty of the Secretary of the Commonwealth to make out and transmit to the commissioners of each county a certified copy of the foregoing resolution.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 10.

RESOLUTION

Relative to dams in the Susquehanna river.

Question as
to obstruc-
tions referred
to the canal
commission-
ers.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the canal commissioners be directed to enquire and ascertain, whether the fifth section of the act of Pennsylvania, passed the nineteenth day of February, one thousand eight hundred and one, which declares the Susquehanna, down to the Maryland line, to be a public highway, has

been violated by the erection of dams, in order that the legislature may take proper measures to remove the obstructions to the navigation of said river, if any exist.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 11.

RESOLUTION

Relative to the Shamokin dam.

WHEREAS, it is represented that much injury has been sustained by individuals, in consequence of the erection of the Shamokin dam across the river Susquehanna, at Sunbury: Therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the canal commissioners be and they hereby are required, should they deem it practicable and expedient, to construct a schute or sluice, for the passage of river craft in the said dam, on the east side of the river, at or near the old boat channel, or to adopt such other measures as they may deem best calculated to ensure and preserve the safe navigation of the river at that place.

Construction of a sluice on eastern side, &c.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 12

RESOLUTION

Relative to the compensation of the commissioners appointed to revise the civil code.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the State Treasurer be and he is hereby authorised and directed to pay in the usual manner, to the order of William appropriated, \$500 to each on account.

\$200 for ex-
penses.

Rawle, Thomas I. Wharton and Joel Jones, Esquires (commissioners appointed by the Governor of this commonwealth, in pursuance of a resolution of the last session of the legislature, to revise the civil code) the sum of five hundred dollars, each, on account of services rendered in such revision, and two hundred dollars to the order of William Rawle, aforesaid, for and on account of the contingent expenses of the said commissioners, in the performance of their duties; which sums of money, so as aforesaid mentioned, shall be accounted for by the said commissioners in the final settlement of their accounts as such revisers.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 13.

RESOLUTION

Authorising the Auditor General to settle the accounts of the superintendent of the French Creek feeder, for locating that part of the Pennsylvania canal which lies between Conneaut lake and the basin at Erie.

Preamble.

WHEREAS. the canal commissioners did, on the twentieth March, eighteen hundred and thirty, direct the superintendent and engineer on the French creek feeder, during the summer then ensuing, to survey and plot, definitively, that portion of the contemplated canal between Conneaut lake and the basin at Erie, by the route reported by the board to the legislature, at the session of eighteen hundred and twenty nine and thirty: *And whereas.* no provision is made by law for defraying the expenses of said survey: Therefore,

Auditor General to settle certain account.

Treasurer to pay balance.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Auditor General be and he is hereby directed, to settle the account of said superintendent, for services rendered, and for monies paid by him, in making said survey and plot, in pursuance of said direction of the board of canal commissioners; and that the treasurer of the internal improvement fund pay the amount found due by the Auditor General to the said superintendent.

Resolved by the authority aforesaid, That the Auditor General settle and allow the necessary contingent expenses of the canal commissioners' office.

Contingent expenses of canal commissioners' office.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 14.

RESOLUTION

Authorising the purchase of certain books, for the use of the Board of Property.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That the Secretary of the Land Office be and he here- by is authorised to purchase, for the use of the Board of Property, a complete set of the Reports of the Decisions of the Supreme Court of Pennsylvania, the expense of which shall be paid out of the state treasury, by a warrant, drawn in the usual manner.

Supreme court reports.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one thousand eight hundred and thirty-one.

GEO. WOLF.

No. 15.

RESOLUTION

Relative to furnishing the Library rooms of the commonwealth.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Clerks of the Senate and House of Representatives, be and they are hereby authorised and required to furnish the Library rooms, in such manner as they may deem most conducive to the convenience of the members: Provided,

Clerks of Senate & House to furnish Library rooms. Proviso.

Expense li- That the expense thereof shall not exceed three hundred
 mited to \$300 dollars, to be paid in the usual manner, on warrants, drawn
 by the chairman of the joint committee on the library, coun-
 tersigned by the Speaker of the House of Representatives.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one
 thousand eight hundred and thirty-one.

GEO. WOLF.

No. 16.

RESOLUTION

Relative to the Librarian.

*Resolved by the Senate and House of Representatives of the
 Commonwealth of Pennsylvania in General Assembly met,*
 \$50 granted That the State Treasurer be directed to pay to the Librarian,
 to Librarian. fifty dollars, as extra compensation for the faithful perform-
 ance of his duty.

FREDK. SMITH,

Speaker of the House of Representatives.

WM. G. HAWKINS,

Speaker of the Senate.

APPROVED—The fourth day of April, Anno Domini, one
 thousand eight hundred and thirty-one.

GEO. WOLF.

SECRETARY'S OFFICE,

Harrisburg, May, 6, 1831.

I certify, that in obedience to the directions of an act of
 the General Assembly of the Commonwealth of Pennsylvania,
 I have collated with and corrected by the original rolls,
 the proof sheets of the printed copies of this edition of the
 Laws and Resolutions of the General Assembly, passed dur-
 ing the session ending on the 5th ultimo.

SAM'L M'KEAN.

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